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Agenda item 62

Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/103. Question of Montserrat

The General Assembly,

Having considered the question of Montserrat and examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017,[1]

Taking note of the working paper prepared by the Secretariat on Montserrat[2] and other relevant information,

Recognizing that all available options for self-determination of the Territory are valid as long as they are in accordance with the freely expressed wishes of the people of Montserrat and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the Assembly,

Expressing concern that 57 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[3] there still remain 17 Non-Self-Governing Territories, including Montserrat,

Conscious of the importance of continuing the effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2020 and the plans of action for the Second[4] and Third International Decades for the Eradication of Colonialism,

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[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. X.

[2] A/AC.109/2017/10.

[3] Resolution 1514 (XV).

[4] A/56/61, annex.

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Recognizing that the specific characteristics and the aspirations of the people of Montserrat require flexible, practical and innovative approaches to the options for self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Convinced that the wishes and aspirations of the people of the Territory should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Concerned by the use and exploitation of the natural resources of the Non-Self-Governing Territories by the administering Powers for their benefit, by the use of the Territories as tax havens to the detriment of the world economy and by the consequences of any economic activities of the administering Powers that are contrary to the interests of the people of the Territories, as well as to resolution 1514 (XV),

Convinced that any negotiations to determine the status of the Territory must take place with the active involvement and participation of the people of the Territory, under the auspices of the United Nations, on a case-by-case basis, and that the views of the people of Montserrat in respect of their right to self-determination should be ascertained,

Noting the continued cooperation of the Non-Self-Governing Territories at the local and regional levels, including participation in the work of regional organizations,

Mindful that, in order for the Special Committee to enhance its understanding of the political status of the people of Montserrat and to fulfil its mandate effectively, it is important for it to be apprised by the United Kingdom of Great Britain and Northern Ireland as the administering Power and to receive information from other appropriate sources, including the representatives of the Territory, concerning the wishes and aspirations of the people of the Territory,

Aware of the importance both to Montserrat and to the Special Committee of the participation of elected and appointed representatives of Montserrat in the work of the Committee,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of Montserrat with their inalienable right to self-determination and in gaining a better understanding of the options for self-determination, on a case-by-case basis,

Mindful, in that connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in the context of a United Nations programme for ascertaining the political status of the Territories,

Welcoming the Caribbean regional seminar on the theme "Implementation of the Third International Decade for the Eradication of Colonialism: the future for decolonization in the Non-Self-Governing Territories – what are the prospects?", held by the Special Committee in Kingstown and hosted by the Government of Saint Vincent and the Grenadines from 16 to 18 May 2017, as a significant and forward-looking event, which enabled the participants to assess progress made and address challenges faced in the decolonization process, review the existing working methods of the Committee and renew its commitment to implementing its historic task,

Recognizing the importance of the conclusions and recommendations adopted by the seminar, which are annexed to the report of the Special Committee[5] and which outline the findings of the seminar, including, especially, the way forward for the decolonization process within the context of the proclamation by the General Assembly of the period 2011-2020 as the Third International Decade for the Eradication of Colonialism,[6]

Taking into account that the Territory last participated in the activities of the Special Committee in 2012, and in this regard stressing the importance of the continued participation of the Territory in order to provide the Committee with up-to-date information regarding the decolonization process,

Noting with appreciation the contribution to the development of some Territories by the specialized agencies and other organizations of the United Nations system, in particular the Economic Commission for Latin America and the Caribbean, the Economic and Social Commission for Asia and the Pacific, the United Nations Development Programme and the World Food Programme, as well as regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations in the Pacific,

Noting with concern the continuing consequences of the 1995 volcanic eruption, which led to the evacuation of three quarters of the population of the Territory to safe areas of the island and to areas outside the Territory and which continues to have enduring consequences for the economy of the island,

Acknowledging the continuing assistance provided to the Territory by States members of the Caribbean Community, in particular Antigua and Barbuda, which has offered safe refuge and access to educational and health facilities, as well as employment for thousands who have left the Territory,

Noting the continuing efforts of the administering Power and the territorial Government to deal with the consequences of the volcanic eruption,

Recalling the importance of improving the infrastructure and accessibility of Montserrat, as conveyed by the Premier of Montserrat to the Chair of the Special Committee in their meeting on 11 May 2015,

Cognizant of the potential usefulness of regional ties for the development of a small island Territory and of the Territory's membership in the Caribbean Overseas Countries and Territories Council,

1. *Reaffirms* the inalienable right of the people of Montserrat to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Also reaffirms* that, in the process of decolonization of Montserrat, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

3. *Further reaffirms* that it is ultimately for the people of Montserrat to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to

[5] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23).
[6] See resolution 65/119.

foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

4. *Recalls* the 2011 Constitution of Montserrat and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

5. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

6. *Welcomes* the Territory's participation in the work of the Organization of Eastern Caribbean States and the Economic Commission for Latin America and the Caribbean;

7. *Encourages* the Territory to continue to participate in the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, including regional seminars;

8. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption;

9. *Stresses* the importance of the Special Committee being apprised of the views and wishes of the people of Montserrat and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Montserrat and the administering Power;

10. *Calls upon* the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Montserrat, and encourages the administering Power to facilitate visiting and special missions to the Territory;

11. *Reaffirms* the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requests the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

12. *Takes into account* the 2030 Agenda for Sustainable Development,[7] including the Sustainable Development Goals, stresses the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urges the administering Power to refrain from undertaking any kind of

[7] Resolution 70/1.

illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

13. *Requests* the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requests the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

14. *Requests* the Special Committee to continue to examine the question of Montserrat and to report thereon to the General Assembly at its seventy-third session and on the implementation of the present resolution.

66th plenary meeting
7 December 2017

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Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/104. Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 relating to New Caledonia,[1]

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, and stressing principle VI of the annex to resolution 1541 (XV),

Recalling also the provisions of the Nouméa Accord,[2] which, inter alia, underscores the importance of the transfer of powers and skills in a timely manner from the administering Power to the people of New Caledonia,

Reaffirming that the natural resources are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations,

Concerned about any activities aimed at exploiting the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the

[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. IX.
[2] A/AC.109/2114, annex.

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population, to promote equitable political, economic and social development in the Territory, including measures in the area of environmental protection, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of continued peaceful dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Recalling the report of the Special Rapporteur on the rights of indigenous peoples on the situation of Kanak people in New Caledonia, submitted to the Human Rights Council at its eighteenth session, held from 12 to 30 September and on 21 October 2011,[3] following his visit to the Territory in February 2011,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region, including through the hosting of New Caledonian delegates in the French diplomatic and consular missions in the region,

Recalling the conclusions of the nineteenth Melanesian Spearhead Group Leaders Summit, under the historic inaugural chairmanship of the Front de libération nationale kanak et socialiste, held in Nouméa from 19 to 21 June 2013, including the Leaders Declaration of the Group reaffirming the strong commitment and support, including technical assistance, for the self-determination of New Caledonia, in accordance with the Charter and the Nouméa Accord,

Noting the admission of New Caledonia as a full member of the Pacific Islands Forum at the forty-seventh Pacific Islands Forum, convened in Pohnpei, Federated States of Micronesia, from 8 to 10 September 2016,

Recalling the exchange of letters between the Department of Political Affairs of the Secretariat and the Melanesian Spearhead Group secretariat on the sharing of information on New Caledonia,

Mindful that New Caledonia has entered the most seminal phase of the Nouméa Accord process, a period that requires continued close monitoring by the United Nations of the situation in the Territory in order to help the people of New Caledonia to exercise their right to self-determination in accordance with the objectives set out in the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples,[4]

Recalling the Charter of the Kanak people, common base of the fundamental values and principles of the Kanak civilization, which was proclaimed in April 2014 by the customary authorities, Great Chiefs, Chiefs, Presidents of District Councils and Presidents of the Clan Chiefs Councils, as the sole traditional custodians of the Kanak people of New Caledonia,

Recalling also the dispatch of a United Nations visiting mission to New Caledonia in March 2014,

Recalling further the statement by the Chair of the visiting mission,

Having examined the report of the visiting mission,[5]

Recalling the letter addressed by the Special Committee to the administering Power soliciting the dispatch of a new visiting mission,

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[3] A/HRC/18/35/Add.6, annex.

[4] Resolution 1514 (XV).

[5] A/AC.109/2014/20/Rev.1.

Recalling also the cooperation of the administering Power with regard to the work of the Special Committee relating to New Caledonia and its readiness for and concurrence with the dispatching of the 2014 visiting mission,

Taking note of the statement by the representative of the administering Power,

Acknowledging the successful conduct by New Caledonia of municipal and provincial elections in May 2014,

Taking note of the information presented to the Pacific and the Caribbean regional seminars on the implementation of the Third International Decade for the Eradication of Colonialism, held in Nadi, Fiji, from 21 to 23 May 2014, and in Managua from 19 to 21 May 2015, on the situation in the Territory, including on the issues related to the 2014 elections,

Taking note also of the recommendations adopted by the Pacific regional seminar held in Managua from 31 May to 2 June 2016, which are annexed to the report of the Special Committee for 2016,[6]

Taking note further of the information provided at the Caribbean regional seminar held in Kingstown from 16 to 18 May 2017 by the administering Power as well as by New Caledonian parties on developments in the Territory, including progress towards the referendum on self-determination to be held in 2018, and the recommendations adopted by the seminar, which are annexed to the report of the Special Committee for 2017,[7]

Aware of the challenges encountered in the 2014 provincial electoral process, particularly with regard to the work of the special administrative commissions in updating the special electoral roll, the non-existence of the supplementary electoral roll from 1998 and the unavailability of the 1998 general electoral roll prior to 2014, and their potential impact on the referendum on self-determination,

Welcoming the invitation from the administering Power to the Electoral Assistance Division of the Department of Political Affairs of the Secretariat to dispatch an electoral expert observer mission to New Caledonia in May 2016 to observe the work of the special administrative commissions and the advisory committee of experts for the establishment and revision of the special electoral list, including, in particular, for the self-determination referendum in New Caledonia in 2018, consistent with the Nouméa Accord,

Welcoming also the transmission by the administering Power to the Special Committee of the final report of the electoral expert observer mission to New Caledonia conducted in 2016, as well as of the list of measures implemented by the administering Power to follow up on the recommendations of the mission,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of the Territory in gaining a better understanding of the options for self-determination,

1. *Reaffirms its approval* of the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 relating to New Caledonia;[1]

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[6] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 23* (A/71/23).

[7] Ibid., *Seventy-second Session, Supplement No. 23* (A/72/23).

2. *Reiterates its endorsement* of the report, observations, conclusions and recommendations of the United Nations visiting mission to New Caledonia conducted in 2014;[5]

3. *Expresses its appreciation* to the administering Power and the Government of New Caledonia for the close cooperation and assistance extended to the visiting mission;

4. *Reaffirms* that it is ultimately for the people of New Caledonia to determine freely and fairly their future political status in accordance with the relevant provisions of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples[4] and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

5. *Notes* the concerns expressed regarding the challenges encountered in the provincial elections process with respect to the persistent varying interpretations of the restricted electorate provisions and the voter registration appeal process, and encourages the administering Power and the people of New Caledonia to address in an amicable and peaceful manner the concerns of all stakeholders under the existing relevant laws in the Territory and in France, while also respecting and upholding the spirit and letter of the Nouméa Accord;[2]

6. *Expresses the view* that adequate measures for conducting the upcoming consultations on access to full sovereignty, including a just, fair, credible and transparent electoral roll, as provided in the Nouméa Accord, are essential for the conduct of a free, fair and genuine act of self-determination consistent with the Charter and United Nations principles and practices;

7. *Welcomes*, in that respect, the continuous dialogue undertaken by the parties in the framework of the Committee of Signatories to the Nouméa Accord to establish the parameters for the conduct of a conclusive act of self-determination, including the setting of an electoral roll, as provided in the Accord;

8. *Takes note* of the outcome of the twelfth meeting of the Committee of Signatories, held on 3 October 2014, which, inter alia, stressed the commitment of the administering Power to enable the people of New Caledonia to decide their future status in a fair, credible, democratic and transparent self-determination process consistent with the Nouméa Accord;

9. *Notes with interest* the convening of the extraordinary meeting of the Committee of Signatories, held in Paris on 5 June 2015, regarding the New Caledonia self-determination process, including, in particular, the electoral roll for the referendum and related issues;

10. *Calls upon* France, the administering Power, in the light of the observations, conclusions and recommendations of the visiting mission, to consider developing an education programme to inform the people of New Caledonia about the nature of self-determination so that they may be better prepared to face a future decision on the matter, and requests the Special Committee to provide all available assistance in that regard;

11. *Commends* the observations, conclusions and recommendations of the visiting mission to the Government of France, as the administering Power, and the Government of New Caledonia for appropriate action;

12. *Calls upon* the administering Power to facilitate a visiting mission to the Territory before the referendum on self-determination to be held in 2018, and requests the Chair of the Special Committee to take all the necessary steps to that end;

13. *Urges* all the parties involved, in the interest of the people of New Caledonia and within the framework of the Nouméa Accord, to maintain their dialogue in a spirit of harmony and mutual respect in order to continue to promote a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all sectors of the population, based on the principle that it is for the people of New Caledonia to choose how to determine their destiny;

14. *Reaffirms* its resolutions 68/87 of 11 December 2013 and 69/97 of 5 December 2014, in which the General Assembly, inter alia, reaffirmed that in the absence of a decision by the Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

15. *Welcomes* the actions taken by the administering Power to continue to transmit to the Secretary-General information as required under Article 73 *e* of the Charter, particularly the submission on 27 December 2016 on the most recent developments in New Caledonia;

16. *Notes* the continuing concerns expressed by the Kanak people regarding their underrepresentation in governmental and social structures, incessant migratory flows and the impact of mining on the environment;

17. *Urges* the administering Power to take effective measures to safeguard and guarantee the inalienable right of the people of New Caledonia to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Power to take all steps necessary to protect the property rights of the people of New Caledonia;

18. *Commends* the "Cadres for the future" programme, and encourages further enhancement of the training and capacity-building of high-level executives in the public and private sectors in the Territory, particularly in view of the ongoing transfer of powers from the Government of France to New Caledonia, while ensuring that the transfer of powers is undertaken in a manner consistent with the Nouméa Accord;

19. *Recalls* the observations and recommendations contained in the report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples on the situation of Kanak people in New Caledonia,[3] made in the light of relevant international standards, to assist with ongoing efforts to advance the rights of the Kanak people in the context of the implementation of the Nouméa Accord and the United Nations-supported decolonization process;

20. *Requests* the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to New Caledonia and to continue to do so, as appropriate, after it exercises its right to self-determination;

21. *Welcomes* the strengthening of the economic and social rebalancing initiatives undertaken by the administering Power, and urges its continuation in all areas and communities of the Territory, especially for the well-being of the Kanak indigenous people;

22. *Encourages* the administering Power, with the cooperation of the Government of New Caledonia, to ensure and enhance safeguards for and guarantees of the inalienable right of the people of the Territory to own, access, use and manage their natural resources, including proprietary rights for their future development;

23. *Recalls* the provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, and notes the continuing strengthening of ties between New Caledonia and both the European Union and the European Development Fund;

24. *Also recalls* the accession of the Front de libération nationale kanak et socialiste to the Chair of the Melanesian Spearhead Group, the hosting, for the first time in New Caledonia, in June 2013, of the meetings of officials and leaders of the Group, the successful completion of the chairmanship of the Group by the Front de libération nationale kanak et socialiste, in June 2015, and the opening, in February 2013, of the Front de libération nationale kanak et socialiste unit at the headquarters of the Group secretariat in Port Vila;

25. *Acknowledges* the contribution of the Jean-Marie Tjibaou Cultural Centre to the protection of the indigenous Kanak culture of New Caledonia;

26. *Welcomes* the cooperative attitude of other States and Territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs;

27. *Takes note* of the information shared by participants from New Caledonia at the Pacific and the Caribbean regional seminars on the implementation of the Third International Decade for the Eradication of Colonialism, held in Nadi, Fiji, from 21 to 23 May 2014 and in Managua from 19 to 21 May 2015, including on measured progress made in the social, economic, political and environmental spheres and more focused efforts, particularly on the rebalancing initiatives and electoral roll concerns, necessary for the long-term shared mutual benefit of all New Caledonians, and urges the administering Power and the Government of New Caledonia to devote appropriate attention to addressing these issues;

28. *Recalls* the peaceful conduct of provincial elections in New Caledonia on 11 May 2014, the preceding municipal elections and the subsequent efforts to form a new Government of New Caledonia, and encourages constructive engagement by all stakeholders in further developing New Caledonia for all, including by respecting and upholding the Nouméa Accord;

29. *Also recalls* the decision of the administering Power to invite the Electoral Assistance Division of the Department of Political Affairs of the Secretariat to conduct a mission in order to observe the work of the special administrative commissions and the advisory committee of experts for the establishment and revision of the special electoral list, and looks forward to examining its recommendations;

30. *Stresses* the importance of the agreement between the signatories to the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

31. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

32. *Requests* the Special Committee to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its seventy-third session.

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Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/105. Question of Pitcairn

The General Assembly,

Having considered the question of Pitcairn and examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017,[1]

Taking note of the working paper prepared by the Secretariat on Pitcairn[2] and other relevant information,

Recognizing that all available options for self-determination of the Territory are valid as long as they are in accordance with the freely expressed wishes of the people of Pitcairn and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the Assembly,

Expressing concern that 57 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[3] there still remain 17 Non-Self-Governing Territories, including Pitcairn,

Conscious of the importance of continuing the effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2020 and the plans of action for the Second[4] and Third International Decades for the Eradication of Colonialism,

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[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. X.
[2] A/AC.109/2017/12.
[3] Resolution 1514 (XV).
[4] A/56/61, annex.

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Recognizing that the specific characteristics and the aspirations of the people of Pitcairn require flexible, practical and innovative approaches to the options for self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Convinced that the wishes and aspirations of the people of the Territory should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Concerned by the use and exploitation of the natural resources of the Non-Self-Governing Territories by the administering Powers for their benefit, by the use of the Territories as tax havens to the detriment of the world economy and by the consequences of any economic activities of the administering Powers that are contrary to the interests of the people of the Territories, as well as to resolution 1514 (XV),

Convinced that any negotiations to determine the status of the Territory must take place with the active involvement and participation of the people of the Territory, under the auspices of the United Nations, on a case-by-case basis, and that the views of the people of Pitcairn in respect of their right to self-determination should be ascertained,

Noting the continued cooperation of the Non-Self-Governing Territories at the local and regional levels, including participation in the work of regional organizations,

Mindful that, in order for the Special Committee to enhance its understanding of the political status of the people of Pitcairn and to fulfil its mandate effectively, it is important for it to be apprised by the United Kingdom of Great Britain and Northern Ireland as the administering Power and to receive information from other appropriate sources, including the representatives of the Territory, concerning the wishes and aspirations of the people of the Territory,

Aware of the importance both to Pitcairn and to the Special Committee of the participation of elected and appointed representatives of Pitcairn in the work of the Committee,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of Pitcairn with their inalienable right to self-determination and in gaining a better understanding of the options for self-determination, on a case-by-case basis,

Mindful, in that connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in the context of a United Nations programme for ascertaining the political status of the Territories,

Welcoming the Caribbean regional seminar on the theme "Implementation of the Third International Decade for the Eradication of Colonialism: the future for decolonization in the Non-Self-Governing Territories – what are the prospects?", held by the Special Committee in Kingstown and hosted by the Government of Saint Vincent and the Grenadines from 16 to 18 May 2017, as a significant and forward-looking event, which enabled the participants to assess progress made and address challenges faced in the decolonization process, review the existing working methods of the Committee and renew its commitment to implementing its historic task,

Recognizing the importance of the conclusions and recommendations adopted by the seminar, which are annexed to the report of the Special Committee[5] and which outline the findings of the seminar, including, especially, the way forward for the decolonization process within the context of the proclamation by the General Assembly of the period 2011–2020 as the Third International Decade for the Eradication of Colonialism,[6]

Taking into account that the Territory last participated in the activities of the Special Committee in 2004, and in this regard stressing the importance of the continued participation of the Territory in order to provide the Committee with up-to-date information regarding the decolonization process,

Taking into account also the unique character of Pitcairn in terms of population, area and access,

Aware that the administering Power and the territorial Government have implemented a governance structure to strengthen administrative capacity in the Territory, based on consultations with the people of the Territory,

Cognizant that the administering Power and the territorial Government have developed and reviewed a five-year strategic development plan, covering the period from 2014 to 2018, that sets out the views and aspirations of the people of the Territory for the socioeconomic development of the Territory,

Aware of the assessment made in 2013 that the population of the Territory needs to be boosted if the Territory is to have a sustainable future and of the approval by the Pitcairn Island Council of an immigration policy and a repopulation plan, covering the period from 2014 to 2019, designed to promote immigration and repopulation and bring people with the necessary skills and commitment to Pitcairn,

Noting with concern the findings contained in the final report on the survey commissioned by the Pitcairn Island Council to ascertain whether members of the diaspora had any interest in returning to the Territory and the factors conditioning a decision,[7]

Noting that a marine protected area was established around Pitcairn in September 2016,[8]

Noting also the mayoral election which took place in November 2016,[9]

1. *Reaffirms* the inalienable right of the people of Pitcairn to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Also reaffirms* that, in the process of the decolonization of Pitcairn, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

3. *Further reaffirms* that it is ultimately for the people of Pitcairn to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an

[5] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23).
[6] See resolution 65/119.
[7] See A/AC.109/2015/5, para. 14.
[8] See A/AC.109/2017/12, para. 40.
[9] Ibid., para. 3.

awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

4. *Welcomes* all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through the training of local personnel;

5. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

6. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support socioeconomic and environmental security in Pitcairn, including as regards demographic matters;

7. *Encourages* the Territory to continue to participate in the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, including regional seminars;

8. *Welcomes* the work carried out on the preparation of the five-year strategic development plan for the island;

9. *Stresses* the importance of the Special Committee being apprised of the views and wishes of the people of Pitcairn and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Pitcairn and the administering Power;

10. *Calls upon* the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Pitcairn, and encourages the administering Power to facilitate visiting and special missions to the Territory;

11. *Reaffirms* the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requests the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

12. *Takes into account* the 2030 Agenda for Sustainable Development,[10] including the Sustainable Development Goals, stresses the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urges the administering Power to refrain from undertaking any kind of illicit, harmful

[10] Resolution 70/1.

and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

13. *Requests* the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requests the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

14. *Requests* the Special Committee to continue to examine the question of Pitcairn and to report thereon to the General Assembly at its seventy-third session and on the implementation of the present resolution.

66th plenary meeting
7 December 2017

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[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/106. Question of Saint Helena

The General Assembly,

Having considered the question of Saint Helena and examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017,[1]

Taking note of the working paper prepared by the Secretariat on Saint Helena[2] and other relevant information,

Recognizing that all available options for self-determination of the Territory are valid as long as they are in accordance with the freely expressed wishes of the people of Saint Helena and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the Assembly,

Expressing concern that 57 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[3] there still remain 17 Non-Self-Governing Territories, including Saint Helena,

Conscious of the importance of continuing the effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2020 and the plans of action for the Second[4] and Third International Decades for the Eradication of Colonialism,

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[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. X.

[2] A/AC.109/2017/13.

[3] Resolution 1514 (XV).

[4] A/56/61, annex.

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Please recycle

Recognizing that the specific characteristics and the aspirations of the people of Saint Helena require flexible, practical and innovative approaches to the options for self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Convinced that the wishes and aspirations of the people of the Territory should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Concerned by the use and exploitation of the natural resources of the Non-Self-Governing Territories by the administering Powers for their benefit, by the use of the Territories as tax havens to the detriment of the world economy and by the consequences of any economic activities of the administering Powers that are contrary to the interests of the people of the Territories, as well as to resolution 1514 (XV),

Convinced that any negotiations to determine the status of the Territory must take place with the active involvement and participation of the people of the Territory, under the auspices of the United Nations, on a case-by-case basis, and that the views of the people of Saint Helena in respect of their right to self-determination should be ascertained,

Noting the continued cooperation of the Non-Self-Governing Territories at the local and regional levels, including participation in the work of regional organizations,

Mindful that, in order for the Special Committee to enhance its understanding of the political status of the people of Saint Helena and to fulfil its mandate effectively, it is important for it to be apprised by the United Kingdom of Great Britain and Northern Ireland as the administering Power and to receive information from other appropriate sources, including the representatives of the Territory, concerning the wishes and aspirations of the people of the Territory,

Aware of the importance both to Saint Helena and to the Special Committee of the participation of elected and appointed representatives of Saint Helena in the work of the Committee,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of Saint Helena with their inalienable right to self-determination and in gaining a better understanding of the options for self-determination, on a case-by-case basis,

Mindful, in that connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in the context of a United Nations programme for ascertaining the political status of the Territories,

Welcoming the Caribbean regional seminar on the theme "Implementation of the Third International Decade for the Eradication of Colonialism: the future for decolonization in the Non-Self-Governing Territories – what are the prospects?", held by the Special Committee in Kingstown and hosted by the Government of Saint Vincent and the Grenadines from 16 to 18 May 2017, as a significant and forward-looking event, which enabled the participants to assess progress made and address challenges faced in the decolonization process, review the existing working methods of the Committee and renew its commitment to implementing its historic task,

Recognizing the importance of the conclusions and recommendations adopted by the seminar, which are annexed to the report of the Special Committee[5] and which outline the findings of the seminar, including, especially, the way forward for the decolonization process within the context of the proclamation by the General Assembly of the period 2011–2020 as the Third International Decade for the Eradication of Colonialism,[6]

Noting with appreciation the contribution to the development of some Territories by the specialized agencies and other organizations of the United Nations system, in particular the Economic Commission for Latin America and the Caribbean, the Economic and Social Commission for Asia and the Pacific, the United Nations Development Programme and the World Food Programme, as well as regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations in the Pacific,

Recalling the statement made by a representative of the Legislative Council of Saint Helena at the Caribbean regional seminar held in Managua from 19 to 21 May 2015 that the Territory had no aspiration to independence and had been able to have a formal form of government,

Recalling also the information provided by a representative of the Legislative Council of Saint Helena that, although human rights provisions are enshrined in the 2009 Constitution of Saint Helena, some international instruments, including the Convention on the Rights of Persons with Disabilities,[7] have not yet been extended to the Territory,

Taking into account that the Territory last participated in the activities of the Special Committee in 2015, and in this regard stressing the importance of the continued participation of the Territory in order to provide the Committee with up-to-date information regarding the decolonization process,

Taking into account also the unique character of Saint Helena in terms of its population, geography and natural resources,

Recalling the fact that, in January 2013, following a resolution passed in September 2012 by the Legislative Council of Saint Helena to undertake minor adjustments to the 2009 Constitution, a public consultation process was launched,

Aware that a consultative poll was held in March 2013, with the majority opting for no change to the Constitution, and that, for the first time, a general election based on one constituency was held in July 2013,

Aware also of the efforts of the administering Power and the territorial Government to improve the socioeconomic conditions of the population of Saint Helena, in particular in the areas of employment, transport and communications infrastructure,

Aware further of the completion of the construction of the airport in the Territory, and recalling the concerns expressed by a representative of the Legislative Council of Saint Helena about the potential impacts of the construction of the airport, such as the growing number of expatriate families settling in the Territory and the lack of a specific plan for the operation of an air route or sea link between Saint Helena and neighbouring islands,

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[5] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23).

[6] See resolution 65/119.

[7] United Nations, *Treaty Series*, vol. 2515, No. 44910.

1. *Reaffirms* the inalienable right of the people of Saint Helena to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Also reaffirms* that, in the process of decolonization of Saint Helena, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

3. *Further reaffirms* that it is ultimately for the people of Saint Helena to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

4. *Stresses* the importance of the 2009 Constitution of the Territory and the further development of democratic and good governance;

5. *Welcomes* the extension by the administering Power to Saint Helena of the Convention on the Elimination of All Forms of Discrimination against Women[8] in March 2017;

6. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

7. *Requests* the administering Power and relevant international organizations to continue to support the efforts of the territorial Government to address the socioeconomic development challenges of the Territory;

8. *Encourages* the Territory to continue to participate in the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, including regional seminars;

9. *Stresses* the importance of the Special Committee being apprised of the views and wishes of the people of Saint Helena and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Saint Helena and the administering Power;

10. *Calls upon* the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Saint Helena, and encourages the administering Power to facilitate visiting and special missions to the Territory;

11. *Reaffirms* the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requests the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

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[8] Ibid., vol. 1249, No. 20378.

12. *Takes into account* the 2030 Agenda for Sustainable Development,[9] including the Sustainable Development Goals, stresses the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urges the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

13. *Requests* the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requests the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

14. *Requests* the Special Committee to continue to examine the question of Saint Helena and to report thereon to the General Assembly at its seventy-third session and on the implementation of the present resolution.

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7 December 2017

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[9] Resolution 70/1.

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[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/107. Question of Tokelau

The General Assembly,

Having considered the question of Tokelau,

Taking note of the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 relating to Tokelau,[1]

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular General Assembly resolution 71/107 of 6 December 2016,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting with appreciation also the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories and that, as a case study pointing to successful cooperation for decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

Recalling the status of Tokelau as an associate member of the Food and Agriculture Organization of the United Nations,

[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. XI.

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Please recycle

Cognizant that New Zealand and Tokelau signed, on 21 November 2003, a document entitled "Joint statement of the principles of partnership", which sets out the rights and responsibilities of the two partners,

Bearing in mind the decision of the General Fono at its meeting in November 2003, following extensive consultations undertaken in all three villages, to explore formally with New Zealand the option of self-government in free association, its decision in August 2005 to hold in February 2006 a referendum on self-determination on the basis of a draft constitution for Tokelau and a draft treaty of free association with New Zealand, and its subsequent decision to hold a further referendum in October 2007, and bearing in mind also that the two referendums did not produce the two-thirds majority of valid votes cast required by the General Fono to change the status of Tokelau from that of a Non-Self-Governing Territory under the administration of New Zealand,

Recalling the holding of free and fair elections in the Territory in January 2017,

Noting the 2013 constitutional consultations, to be further considered by the Constitution Committee, which were driven by the people of Tokelau and which aimed at developing a model of government structure that is culturally appropriate and sensitive to their current situation, culminating in the approval and ratification of the national symbol of the Territory, along with the constitution, national anthem and national flag,

Bearing in mind the statement made by the Ulu-o-Tokelau at the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Nadi, Fiji, from 21 to 23 May 2014, that the self-determination process of the Territory could not be addressed in isolation from the threat of climate change and the rise in sea level, and bearing in mind also the intention of Tokelau to articulate its development and other priorities in the National Strategic Plan for 2016–2020, including consideration of the issue of self-determination and how it would prepare for a possible referendum on self-determination in cooperation with the administering Power,

Recalling the statement made at that seminar by the representative of the Government of New Zealand, as the administering Power, citing the close and cordial cooperation that has existed for nearly 90 years between the Territory and the administering Power, with an emphasis on quality health care and education, telecommunications, renewable energy, support for the fisheries sector and the establishment of transport infrastructure and services, and noting the gifting by New Zealand to Tokelau of a new, purpose-built ferry, which entered into service in March 2016, and plans to gift a fast inter-atoll vessel to support search and rescue missions, medical evacuations and general transport between the atolls,

1. *Acknowledges* the decision of the General Fono in 2008 that consideration of any future act of self-determination by Tokelau will be deferred and that New Zealand and Tokelau will devote renewed effort and attention to ensuring that essential services and infrastructure on the atolls of Tokelau are enhanced and strengthened, thereby ensuring an enhanced quality of life and opportunities for the people of Tokelau;

2. *Welcomes* the progress made towards the devolution of power to the three taupulega (village councils) since 2004, and notes that further discussion is planned on the recommendations in the report on the devolution review, compiled in 2012;

3. *Notes with appreciation* that Tokelau and New Zealand remain firmly committed to the ongoing development of Tokelau for the long-term benefit of the people of Tokelau, with particular emphasis on the further development of facilities on each atoll that meet their current requirements;

4. *Recalls* the consideration by Tokelau of its National Strategic Plan for 2016–2020, which prioritizes good governance, human development, infrastructure development, sustainability and climate change adaptation, and notes the completion by Tokelau of the Plan, which determines development and other priorities for the 2016–2020 period, and the Plan's focus on infrastructure development to support service delivery, including through transport and telecommunications solutions;

5. *Acknowledges* the ongoing and consistent commitment of New Zealand to meeting the social and economic requirements of the people of Tokelau, including through new shipping service assets and shipping infrastructure development, as well as the support and cooperation of the United Nations Development Programme and the World Health Organization;

6. *Commends* the completion by Tokelau in 2013 of the Tokelau Renewable Energy Project with the support of the administering Power and receipt by the Government of the Renewable Energy Award granted by the New Zealand Energy Efficiency and Conservation Authority;

7. *Acknowledges* the need of Tokelau for continued support from the international community and its desire to become part of the discussions on the 2030 Agenda for Sustainable Development,[2] the impacts of climate change and the protection of the environment and oceans;

8. *Recalls with satisfaction* the establishment and operation of the Tokelau International Trust Fund to support the ongoing needs of Tokelau, and calls upon Member States and international and regional agencies to contribute to the Fund and thereby lend practical support to Tokelau in overcoming the problems of smallness, isolation and lack of resources;

9. *Welcomes* the cooperative attitude of the other States and territories in the region towards Tokelau and their support for its economic and political aspirations and its increasing participation in regional and international affairs, and in this regard notes the successful chairmanship by Tokelau of the tenth annual ministerial meeting of the Forum Fisheries Committee of the Pacific Islands Forum Fisheries Agency, held in Tokelau on 1 and 2 July 2014, the representation of the Agency by the Ulu-o-Tokelau at the third International Conference on Small Island Developing States, held in Apia from 1 to 4 September 2014, and the signing by Tokelau of the Pacific Islands Development Forum Charter on 27 April 2016 so as to become the twelfth member of the Forum;

10. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops;

11. *Recognizes* the positive actions taken by the administering Power to transmit to the Secretary-General under Article 73 *e* of the Charter of the United Nations information regarding the political, economic and social situation of Tokelau;

12. *Commends* the commitment of both Tokelau and New Zealand to continuing to work together in the interests of Tokelau and its people;

13. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its seventy-third session.

[2] Resolution 70/1.

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[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/108. Question of the Turks and Caicos Islands

The General Assembly,

Having considered the question of the Turks and Caicos Islands and examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017,[1]

Taking note of the working paper prepared by the Secretariat on the Turks and Caicos Islands[2] and other relevant information,

Recognizing that all available options for self-determination of the Territory are valid as long as they are in accordance with the freely expressed wishes of the people of the Turks and Caicos Islands and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the Assembly,

Expressing concern that 57 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[3] there still remain 17 Non-Self-Governing Territories, including the Turks and Caicos Islands,

Conscious of the importance of continuing the effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2020 and the plans of action for the Second[4] and Third International Decades for the Eradication of Colonialism,

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[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. X.
[2] A/AC.109/2017/15.
[3] Resolution 1514 (XV).
[4] A/56/61, annex.

17-22143 (E) 191217

Please recycle

Recognizing that the specific characteristics and the aspirations of the people of the Turks and Caicos Islands require flexible, practical and innovative approaches to the options for self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Convinced that the wishes and aspirations of the people of the Territory should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Concerned by the use and exploitation of the natural resources of the Non-Self-Governing Territories by the administering Powers for their benefit, by the use of the Territories as tax havens to the detriment of the world economy and by the consequences of any economic activities of the administering Powers that are contrary to the interests of the people of the Territories, as well as to resolution 1514 (XV),

Convinced that any negotiations to determine the status of the Territory must take place with the active involvement and participation of the people of the Territory, under the auspices of the United Nations, on a case-by-case basis, and that the views of the people of the Turks and Caicos Islands in respect of their right to self-determination should be ascertained,

Noting the continued cooperation of the Non-Self-Governing Territories at the local and regional levels, including participation in the work of regional organizations,

Mindful that, in order for the Special Committee to enhance its understanding of the political status of the people of the Turks and Caicos Islands and to fulfil its mandate effectively, it is important for it to be apprised by the United Kingdom of Great Britain and Northern Ireland as the administering Power and to receive information from other appropriate sources, including the representatives of the Territory, concerning the wishes and aspirations of the people of the Territory,

Aware of the importance both to the Turks and Caicos Islands and to the Special Committee of the participation of elected and appointed representatives of the Turks and Caicos Islands in the work of the Committee,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of the Turks and Caicos Islands with their inalienable right to self-determination and in gaining a better understanding of the options for self-determination, on a case-by-case basis,

Mindful, in that connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in the context of a United Nations programme for ascertaining the political status of the Territories,

Welcoming the Caribbean regional seminar on the theme "Implementation of the Third International Decade for the Eradication of Colonialism: the future for decolonization in the Non-Self-Governing Territories – what are the prospects?", held by the Special Committee in Kingstown and hosted by the Government of Saint Vincent and the Grenadines from 16 to 18 May 2017, as a significant and forward-looking event, which enabled the participants to assess progress made and address challenges faced in the decolonization process, review the existing working methods of the Committee and renew its commitment to implementing its historic task,

Recognizing the importance of the conclusions and recommendations adopted by the seminar, which are annexed to the report of the Special Committee[5] and which outline the findings of the seminar, including, especially, the way forward for the decolonization process within the context of the proclamation by the General Assembly of the period 2011–2020 as the Third International Decade for the Eradication of Colonialism,[6]

Noting with appreciation the contribution to the development of some Territories by the specialized agencies and other organizations of the United Nations system, in particular the Economic Commission for Latin America and the Caribbean, the Economic and Social Commission for Asia and the Pacific, the United Nations Development Programme and the World Food Programme, as well as regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations in the Pacific,

Taking note of the statement made by a representative appointed by the Government of the Turks and Caicos Islands at the Caribbean regional seminar held in Managua from 19 to 21 May 2015,

Taking into account that the Territory last participated in the activities of the Special Committee in 2015, and in this regard stressing the importance of the continued participation of the Territory in order to provide the Committee with up-to-date information regarding the decolonization process,

Recalling the dispatch of the United Nations special mission to the Turks and Caicos Islands in 2006 at the request of the territorial Government and with the concurrence of the administering Power,

Recalling also the decision of the administering Power to suspend parts of the Turks and Caicos Islands Constitution Order 2006 and the subsequent institution of direct rule exercised by the administering Power, taking note of the provision of a new Constitution Order in 2012, as well as the election held in the Territory in 2012, and recalling that the administering Power did not accept the recommendations of the 2014 report of the Constitutional Review Committee,

Recalling further the endorsement by the Heads of Government of the Caribbean Community of the report of the Community's fact-finding mission to the Turks and Caicos Islands in 2013, which called for, inter alia, a referendum on self-determination and a mechanism for amending the Constitution,

Recalling that, in March 2014, the Heads of Government of the Caribbean Community received an update on the situation in the Turks and Caicos Islands, which they will continue to monitor, and that they expressed their support for the full restoration of democracy in the Territory on terms driven by its people,

Noting the general election which took place in December 2016, and welcoming the election of the first female Premier of the Territory,[7]

1. *Reaffirms* the inalienable right of the people of the Turks and Caicos Islands to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

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[5] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23).

[6] See resolution 65/119.

[7] See A/AC.109/2017/15, para. 16.

2. *Also reaffirms* that, in the process of decolonization of the Turks and Caicos Islands, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

3. *Further reaffirms* that it is ultimately for the people of the Turks and Caicos Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

4. *Reiterates its support* for the full restoration of democracy in the Territory and for the work of the Constitutional Review Committee, and encourages further efforts by the administering Power in this regard;

5. *Takes note* of the positions and repeated calls of the Caribbean Community and the Movement of Non-Aligned Countries in support of a democratically elected territorial Government and of the full restoration of democracy in the Territory as decided by its people;

6. *Notes* the continuing debate on constitutional reform within the Territory, and stresses the importance of participation by all groups and interested parties in the consultation process;

7. *Stresses* the importance of having in place in the Territory a constitution that reflects the aspirations and wishes of its people, based on the mechanisms for popular consultation;

8. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

9. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

10. *Encourages* the Territory to continue to participate in the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, including regional seminars;

11. *Welcomes* the continuing efforts made by the territorial Government addressing the need for attention to be paid to the enhancement of socioeconomic development across the Territory;

12. *Stresses* the importance of the Special Committee being apprised of the views and wishes of the people of the Turks and Caicos Islands and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between the Turks and Caicos Islands and the administering Power;

13. *Calls upon* the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts

to promote self-government in the Turks and Caicos Islands, and encourages the administering Power to facilitate visiting and special missions to the Territory;

14. *Reaffirms* the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requests the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

15. *Takes into account* the 2030 Agenda for Sustainable Development,[5] including the Sustainable Development Goals, stresses the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urges the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

16. *Requests* the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requests the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

17. *Requests* the Special Committee to continue to examine the question of the Turks and Caicos Islands and to report thereon to the General Assembly at its seventy-third session and on the implementation of the present resolution.

66th plenary meeting
7 December 2017

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[5] Resolution 70/1.

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[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/109. Question of the United States Virgin Islands

The General Assembly,

Having considered the question of the United States Virgin Islands and examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017,[1]

Taking note of the working paper prepared by the Secretariat on the United States Virgin Islands[2] and other relevant information,

Recognizing that all available options for self-determination of the Territory are valid as long as they are in accordance with the freely expressed wishes of the people of the United States Virgin Islands and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the Assembly,

Expressing concern that 57 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[3] there still remain 17 Non-Self-Governing Territories, including the United States Virgin Islands,

Conscious of the importance of continuing the effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2020 and the plans of action for the Second[4] and Third International Decades for the Eradication of Colonialism,

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[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. X.
[2] A/AC.109/2017/16.
[3] Resolution 1514 (XV).
[4] A/56/61, annex.

17-22145 (E) 191217

Please recycle

Recognizing that the specific characteristics and the aspirations of the people of the United States Virgin Islands require flexible, practical and innovative approaches to the options for self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Convinced that the wishes and aspirations of the people of the Territory should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Concerned by the use and exploitation of the natural resources of the Non-Self-Governing Territories by the administering Powers for their benefit, by the use of the Territories as tax havens to the detriment of the world economy and by the consequences of any economic activities of the administering Powers that are contrary to the interests of the people of the Territories, as well as to resolution 1514 (XV),

Convinced that any negotiations to determine the status of the Territory must take place with the active involvement and participation of the people of the Territory, under the auspices of the United Nations, on a case-by-case basis, and that the views of the people of the United States Virgin Islands in respect of their right to self-determination should be ascertained,

Noting the continued cooperation of the Non-Self-Governing Territories at the local and regional levels, including participation in the work of regional organizations,

Mindful that, in order for the Special Committee to enhance its understanding of the political status of the people of the United States Virgin Islands and to fulfil its mandate effectively, it is important for it to be apprised by the United States of America as the administering Power and to receive information from other appropriate sources, including the representatives of the Territory, concerning the wishes and aspirations of the people of the Territory,

Aware of the importance both to the United States Virgin Islands and to the Special Committee of the participation of elected and appointed representatives of the United States Virgin Islands in the work of the Committee,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of the United States Virgin Islands with their inalienable right to self-determination and in gaining a better understanding of the options for self-determination, on a case-by-case basis,

Mindful, in that connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in the context of a United Nations programme for ascertaining the political status of the Territories,

Welcoming the Caribbean regional seminar on the theme "Implementation of the Third International Decade for the Eradication of Colonialism: the future for decolonization in the Non-Self-Governing Territories – what are the prospects?", held by the Special Committee in Kingstown and hosted by the Government of Saint Vincent and the Grenadines from 16 to 18 May 2017, as a significant and forward-looking event, which enabled the participants to assess progress made and address challenges faced in the decolonization process, review the existing working methods of the Committee and renew its commitment to implementing its historic task,

Recognizing the importance of the conclusions and recommendations adopted by the seminar, which are annexed to the report of the Special Committee[5] and which outline the findings of the seminar, including, especially, the way forward for the decolonization process within the context of the proclamation by the General Assembly of the period 2011–2020 as the Third International Decade for the Eradication of Colonialism,[6]

Taking into account that the Territory last participated in the activities of the Special Committee in 2006, and in this regard stressing the importance of the continued participation of the Territory in order to provide the Committee with up-to-date information regarding the decolonization process,

Noting with appreciation the contribution to the development of some Territories by the specialized agencies and other organizations of the United Nations system, in particular the Economic Commission for Latin America and the Caribbean, the Economic and Social Commission for Asia and the Pacific, the United Nations Development Programme and the World Food Programme, as well as regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations in the Pacific,

Aware of the fifth attempt of the Territory to review the existing Revised Organic Act, which organizes its internal governance arrangements, as well as its requests to the administering Power and the United Nations system for assistance to its public education programme,

Cognizant that a draft constitution was proposed in 2009 and subsequently forwarded to the administering Power, which in 2010 requested the Territory to consider its objections to the draft constitution,

Cognizant also that the Fifth Revision Convention, established and convened in 2012, was mandated to ratify and approve the final revised draft constitution,

Expressing concern about the extended time spent on the constitutional review process, and stressing the importance for the Special Committee to receive updated information in due time regarding the status of the drafting of the Constitution,

Stressing the importance of regional ties for the development of a small island Territory,

Noting the general election which took place in November 2016,[7]

1. *Reaffirms* the inalienable right of the people of the United States Virgin Islands to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Also reaffirms* that, in the process of decolonization of the United States Virgin Islands, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

3. *Further reaffirms* that it is ultimately for the people of the United States Virgin Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in

[5] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23).
[6] See resolution 65/119.
[7] See A/AC.109/2017/16, para. 2.

cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

4. *Welcomes* the proposal of a draft constitution emanating from the Territory in 2009, as a result of the work of the United States Virgin Islands Fifth Constitutional Convention, for review by the administering Power, and requests the administering Power to assist the territorial Government in achieving its political, economic and social goals, in particular the successful conclusion of the internal Constitutional Convention exercise;

5. *Requests* the administering Power to facilitate the process for approval of the proposed constitution and its implementation, once agreed upon in the Territory, and to regularly provide the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with relevant updates in this regard;

6. *Also requests* the administering Power to assist the Territory by facilitating its work concerning a public education programme, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

7. *Welcomes* the establishment of the Office of Self-Determination and Constitutional Development in the University of the Virgin Islands, with the funding from the administering Power, to address the issue of self-determination, including political status and constitutional education;

8. *Expresses its concern* regarding the closure of the Hovensa plant, which has had a negative economic impact on the Territory;

9. *Reiterates its call for* the inclusion of the Territory in regional programmes of the United Nations Development Programme, consistent with the participation of other Non-Self-Governing Territories;

10. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

11. *Encourages* the Territory to continue to participate in the activities of the Special Committee, including regional seminars;

12. *Stresses* the importance of the Special Committee being apprised of the views and wishes of the people of the United States Virgin Islands and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between the United States Virgin Islands and the administering Power;

13. *Calls upon* the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in the United States Virgin Islands, and encourages the administering Power to facilitate visiting and special missions to the Territory;

14. *Reaffirms* the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requests the administering Power to take steps to enlist and make

effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

15. *Takes into account* the 2030 Agenda for Sustainable Development,[8] including the Sustainable Development Goals, stresses the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urges the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

16. *Requests* the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requests the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

17. *Requests* the Special Committee to continue to examine the question of the United States Virgin Islands and to report thereon to the General Assembly at its seventy-third session and on the implementation of the present resolution.

66th plenary meeting
7 December 2017

[8] Resolution 70/1.

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[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/110. Dissemination of information on decolonization

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 relating to the dissemination of information on decolonization and publicity for the work of the United Nations in the field of decolonization,[1]

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 71/121 of 6 December 2016,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options for self-determination for the peoples of Non-Self-Governing Territories, with a view to implementing the plan of action for the Third International Decade for the Eradication of Colonialism,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General, in accordance with the terms of Article 73 *e* of the Charter of the United Nations,

[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. III.

17-22146 (E) 191217

Please recycle

Stressing the importance of the visiting missions of the Special Committee in contributing substantially to the dissemination of information on decolonization,

Recognizing that the Department of Public Information of the Secretariat, through the United Nations information centres, must play a bigger role, in accordance with resolutions and decisions of the United Nations, in the dissemination of information at the regional level on the activities of the United Nations,

Recalling the issuance by the Department of Public Information, in consultation with the United Nations Development Programme, the specialized agencies and the Special Committee, of an information leaflet on assistance programmes available to the Non-Self-Governing Territories,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. *Approves* the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat, in accordance with the relevant resolutions of the United Nations on decolonization, and encourages the continued updating and wide dissemination of the information leaflet on what the United Nations can do to assist Non-Self-Governing Territories, published in accordance with General Assembly resolution 61/129 of 14 December 2006, and updated for the United Nations website on decolonization;

2. *Considers it important* to continue and expand its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options for self-determination available for the peoples of Non-Self-Governing Territories, and to this end requests the Department of Public Information, through the United Nations information centres in the relevant regions, to actively engage and seek new and innovative ways to disseminate material to the Non-Self-Governing Territories;

3. *Requests* the Secretary-General to further enhance the information provided on the United Nations decolonization website and to continue to include the full series of reports of the regional seminars on decolonization, the statements and scholarly papers presented at those seminars and links to the full series of reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

4. *Requests* the Department of Public Information to continue its efforts to update web-based information on the assistance programmes available to the Non-Self-Governing Territories;

5. *Requests* the Department of Political Affairs and the Department of Public Information to implement the recommendations of the Special Committee and to continue their efforts to take measures through all of the media available, including publications, radio, television, the Internet and social media, to give publicity to the work of the United Nations in the field of decolonization and, inter alia:

(a) To develop procedures to collect, prepare and disseminate, particularly to the Non-Self-Governing Territories, basic material on the issue of self-determination of the peoples of the Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To explore further the idea of a programme of collaboration with the decolonization focal points of territorial Governments, particularly in the Pacific and Caribbean regions, to help to improve the exchange of information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To encourage the involvement of the Non-Self-Governing Territories in the dissemination of information on decolonization;

(f) To report to the Special Committee on measures taken in the implementation of the present resolution;

6. *Requests* all States, including the administering Powers, to accelerate the dissemination of information referred to in paragraph 2 above;

7. *Requests* the Special Committee to continue to examine this question and to report to the General Assembly at its seventy-third session on the implementation of the present resolution.

66th plenary meeting
7 December 2017

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[*on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/72/456)*]

72/111. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Having examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017,[1]

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all its subsequent resolutions concerning the implementation of the Declaration, the most recent of which was resolution 71/122 of 6 December 2016, as well as the relevant resolutions of the Security Council,

Bearing in mind its resolution 65/119 of 10 December 2010, by which it declared the period 2011–2020 the Third International Decade for the Eradication of Colonialism, and the need to examine ways and means to ascertain the wishes of the peoples of the Non-Self-Governing Territories on the basis of resolution 1514 (XV) and other relevant resolutions on decolonization,

Recognizing that the eradication of colonialism has been one of the priorities of the United Nations and continues to be one of its priorities for the decade that began in 2011,

Regretting that measures to eliminate colonialism by 2010, as called for in its resolution 55/146 of 8 December 2000, have not been successful,

Reiterating its conviction of the need for the eradication of colonialism, as well as racial discrimination and violations of basic human rights,

[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23).

17-22147 (E) 191217

Please recycle

Noting with satisfaction the continued efforts of the Special Committee in contributing to the effective and complete implementation of the Declaration and other relevant resolutions of the United Nations on decolonization,

Stressing the importance of the formal participation of all administering Powers in the work of the Special Committee with regard to the relevant Territories under their administration in accordance with Article 73 of the Charter of the United Nations,

Noting with satisfaction the cooperation and active participation of certain administering Powers in the work of the Special Committee, and encouraging the others also to do so,

Noting that the Caribbean regional seminar was held in Kingstown from 16 to 18 May 2017,

1. *Reaffirms* its resolution 1514 (XV) and all other resolutions and decisions on decolonization, including its resolution 65/119, by which it declared the period 2011–2020 the Third International Decade for the Eradication of Colonialism, and calls upon the administering Powers, in accordance with those resolutions, to take all steps necessary to enable the peoples of the Non-Self-Governing Territories to exercise fully as soon as possible their right to self-determination, including independence, on a case-by-case basis;

2. *Reaffirms once again* that the existence of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;[2]

3. *Reaffirms its determination* to continue to take all steps necessary to bring about the complete and speedy eradication of colonialism and the faithful observance by all States of the relevant provisions of the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

4. *Affirms its support once again* for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence, in accordance with the relevant resolutions of the United Nations on decolonization;

5. *Calls upon* the administering Power of each Territory on the agenda of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to cooperate fully in the work of the Special Committee and to participate formally in its future sessions and seminars;

6. *Calls upon* the administering Powers to cooperate fully with the Special Committee to develop and finalize, as soon as possible, a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories;

7. *Recalls with satisfaction* the professional, open and transparent conduct of both the February 2006 and the October 2007 referendums to determine the future status of Tokelau, monitored by the United Nations;

8. *Requests* the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out the actions approved by the General Assembly regarding the Second and Third International

[2] Resolution 217 A (III).

Decades for the Eradication of Colonialism in all Territories that have not yet exercised their right to self-determination, including independence, and in particular:

(a) To formulate specific proposals to bring about an end to colonialism and to report thereon to the General Assembly at its seventy-third session;

(b) To continue to examine the implementation by Member States of resolution 1514 (XV) and other relevant resolutions on decolonization;

(c) To continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend to the General Assembly, as appropriate, the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, in accordance with the relevant resolutions on decolonization, including resolutions on specific Territories;

(d) To develop and finalize, as soon as possible and in cooperation with the administering Power and the Territory in question, a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories, to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories;

(e) To continue to dispatch visiting and special missions to the Non-Self-Governing Territories in accordance with the relevant resolutions on decolonization, including resolutions on specific Territories;

(f) To conduct seminars, as appropriate, for the purpose of receiving and disseminating information on the work of the Special Committee, and to facilitate participation by the peoples of the Non-Self-Governing Territories in those seminars;

(g) To take all steps necessary to enlist worldwide support among Governments, as well as national and international organizations, for the achievement of the objectives of the Declaration and the implementation of the relevant resolutions of the United Nations;

(h) To observe annually the Week of Solidarity with the Peoples of Non-Self-Governing Territories;

9. *Calls upon* the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and, inter alia, to facilitate visiting missions of the Committee to the Territories on a case-by-case basis and in accordance with relevant United Nations resolutions on specific Territories;

10. *Reaffirms* that the United Nations visiting missions to the Non-Self-Governing Territories, where applicable, are an effective means of ascertaining the situation of the peoples of the Territories, in accordance with relevant United Nations resolutions on specific Territories, and therefore requests the Special Committee to undertake at least one visiting mission a year;

11. *Recalls* that the plan of action for the Second International Decade for the Eradication of Colonialism,[3] updated as necessary, represents an important legislative authority for the attainment of self-government by the Non-Self-Governing Territories, and that the case-by-case assessment of the attainment of self-government in each Territory can make an important contribution to this process;

12. *Calls upon* all States, in particular the administering Powers, as well as the specialized agencies and other organizations of the United Nations system, to give effect within their respective spheres of competence to the recommendations of the

[3] A/56/61, annex.

Special Committee for the implementation of the Declaration and other relevant resolutions of the United Nations;

13. *Calls upon* the administering Powers to ensure that economic and other activities in the Non-Self-Governing Territories under their administration do not adversely affect the interests of the peoples but instead promote development, and to assist them in the exercise of their right to self-determination;

14. *Calls upon* the administering Powers concerned to terminate military activities and eliminate military bases in the Non-Self-Governing Territories under their administration in compliance with the relevant resolutions of the General Assembly;

15. *Urges* the administering Powers to take effective measures to safeguard and guarantee the inalienable rights of the peoples of the Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requests the relevant administering Powers to take all steps necessary to protect the property rights of the peoples of those Territories;

16. *Urges* all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide moral and material assistance, as needed, to the peoples of the Non-Self-Governing Territories, and requests the administering Powers to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economies of those Territories;

17. *Requests* the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to the Non-Self-Governing Territories and to continue to do so, as appropriate, after they exercise their right to self-determination, including independence;

18. *Requests* the Secretary-General, President pro tempore of the Special Committee, to meet informally at least once a year with the Chair and the Bureau of the Committee during the intersessional period, in order to explore innovative ways of using his good offices to help to advance the decolonization agenda on a case-by-case basis;

19. *Approves* the report of the Special Committee covering its work during 2017,[1] in which the programme of work for 2018 is outlined, in particular the Pacific regional seminar and a visiting mission to one of the Territories on its agenda, in accordance with relevant United Nations resolutions on specific Territories;

20. *Requests* the Secretary-General to continue to review the resources at the disposal of the Special Committee in order to ensure that the Committee has the funding, facilities and services commensurate with its envisioned yearly programmes, as mandated in relevant General Assembly resolutions, including, especially, in paragraph 8 of its resolution 71/122.

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7 December 2017

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[*on the report of the Sixth Committee (A/72/457)*]

72/112. Criminal accountability of United Nations officials and experts on mission

The General Assembly,

Recalling its resolution 59/281 of 29 March 2005, in which it endorsed the recommendation of the Special Committee on Peacekeeping Operations that the Secretary-General make available to the United Nations membership a comprehensive report on the issue of sexual exploitation and abuse in United Nations peacekeeping operations,[1]

Recalling also that the Secretary-General, on 24 March 2005, transmitted to the President of the General Assembly a report of his Adviser concerning sexual exploitation and abuse by United Nations peacekeeping personnel,[2]

Recalling further its resolution 59/300 of 22 June 2005, in which it endorsed the recommendation of the Special Committee that a group of legal experts be established to provide advice on the best way to proceed so as to ensure that the original intent of the Charter of the United Nations can be achieved, namely, that United Nations staff and experts on mission would never be effectively exempt from the consequences of criminal acts committed at their duty station, nor unjustly penalized, without due process,[3]

Underlining the importance of a zero-tolerance policy for misconduct and the commission of crimes by United Nations officials and experts on mission,

Recognizing the valuable contribution of United Nations officials and experts on mission towards the fulfilment of the purposes and principles of the Charter,

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[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part one, chap. III, sect. D, para. 56.

[2] See A/59/710.

[3] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part two, chap. II, sect. N, para. 40 (a).

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Reaffirming the need to promote and ensure respect for the principles and rules of international law,

Reaffirming also that the present resolution is without prejudice to the privileges and immunities of United Nations officials and experts on mission and the United Nations under international law,

Reaffirming further the obligation of United Nations officials and experts on mission to respect the national laws of the host State, as well as the right of the host State to exercise, where applicable, its criminal jurisdiction, in accordance with the relevant rules of international law and agreements governing operations of United Nations missions,

Underlining the importance of appropriate training of United Nations officials and experts on mission to prevent any criminal conduct,

Deeply concerned by reports of criminal conduct, and conscious that such conduct, if not investigated and, as appropriate, prosecuted, would create the negative impression that United Nations officials and experts on mission operate with impunity,

Reaffirming the need to ensure that all United Nations officials and experts on mission function in a manner that preserves the image, credibility, impartiality and integrity of the United Nations,

Emphasizing that crimes committed by such persons are unacceptable and have a detrimental effect on the fulfilment of the mandate of the United Nations, in particular with respect to the relations between the United Nations and the local population in the host country,

Conscious of the critical importance of providing expeditious support and protecting the rights of victims of criminal conduct perpetrated by United Nations officials and experts on mission, as well as of ensuring adequate protection for witnesses, and recalling the adoption of its resolution 62/214 of 21 December 2007 on the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel, as well as of its resolution 71/297 of 30 June 2017 on special measures for protection from sexual exploitation and abuse,

Emphasizing that genuine accountability rests on the cooperation of the Member States,

Emphasizing also the need to enhance international cooperation to ensure the criminal accountability of United Nations officials and experts on mission,

Taking note of the report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people,[4] and of the subsequent report of the Secretary-General entitled "The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations",[5]

Taking note also of the report of the Joint Inspection Unit on fraud prevention, detection and response in United Nations system organizations,[6] the Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat of September 2016[7] and the report of the Secretary-General on his practice in disciplinary matters and cases of possible criminal behaviour for the period from 1 July 2016 to 30 June 2017,[8]

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[4] See A/70/95-S/2015/446.

[5] A/70/357-S/2015/682.

[6] A/71/731.

[7] ST/IC/2016/25, annex.

[8] A/72/209.

Recalling its resolution 61/29 of 4 December 2006, by which it established the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission,

Having considered at its previous sessions the report of the Group of Legal Experts established by the Secretary-General pursuant to its resolution 59/300[9] and the reports of the Ad Hoc Committee,[10] as well as the note by the Secretariat[11] and the reports of the Secretary-General[12] on criminal accountability of United Nations officials and experts on mission,

Recalling its resolutions 62/63 of 6 December 2007, 63/119 of 11 December 2008, 64/110 of 16 December 2009, 65/20 of 6 December 2010, 66/93 of 9 December 2011, 67/88 of 14 December 2012, 68/105 of 16 December 2013, 69/114 of 10 December 2014, 70/114 of 14 December 2015 and 71/134 of 13 December 2016,

Recalling also its decision that, bearing in mind its resolutions 62/63 and 70/114, the consideration of the report of the Group of Legal Experts, in particular its legal aspects, taking into account the views of Member States and also noting the inputs by the Secretariat, would be continued during its seventy-third session in the framework of a working group of the Sixth Committee,

Convinced of the continuing need for the United Nations and its Member States to urgently take strong and effective steps to ensure the criminal accountability of United Nations officials and experts on mission in the interest of justice,

Emphasizing that the development of harmonized United Nations standards of investigation of crimes allegedly committed by United Nations officials and experts on mission can be critical to strengthening the United Nations system of accountability,

1. *Takes note* of the reports of the Secretary-General,[13] in particular annexes I and II to the report submitted pursuant to paragraphs 28 and 29 of its resolution 71/134, which provide additional information on the nature of the allegations and information received from States on all referrals since 1 July 2007 and notifications received from States with respect to investigations or prosecutions of crimes allegedly committed by United Nations officials or experts on mission since 1 July 2016;

2. *Also takes note* of the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse,[14] as well as the findings of the Office of Internal Oversight Services of the Secretariat in its evaluation report of 15 May 2015, including on the issue of underreporting;[15]

3. *Welcomes* the commitment of the Secretary-General to refer credible allegations of sexual exploitation and abuse to the Member State of the United Nations officials or experts on mission for appropriate action;

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[9] A/60/980.

[10] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 54* (A/62/54); and ibid., *Sixty-third Session, Supplement No. 54* (A/63/54).

[11] A/62/329.

[12] A/63/260 and A/63/260/Add.1, A/64/183 and A/64/183/Add.1, A/65/185, A/66/174 and A/66/174/Add.1, A/67/213, A/68/173, A/69/210, A/70/208, A/72/121, A/72/126 and A/72/205.

[13] A/72/121, A/72/126 and A/72/205.

[14] A/71/818 and A/71/818/Corr.1 and A/71/818/Add.1.

[15] "Evaluation of the enforcement and remedial assistance efforts for sexual exploitation and abuse by the United Nations and related personnel in peacekeeping operations", as reissued on 12 June 2015.

4. *Also welcomes* the appointment of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse, and requests the Secretary-General to regularly update Member States on progress with respect to the implementation of the mandate of the Special Coordinator;

5. *Expresses its concern* with respect to all alleged crimes on the part of United Nations officials and experts on mission, including allegations of fraud, corruption and other financial crimes, and in that regard welcomes the reaffirmation by the Secretary-General that there will be no tolerance for any corruption at the United Nations;

6. *Urges* the Secretary-General to continue to ensure that his zero-tolerance policy for criminal activities, such as sexual exploitation and abuse, fraud and corruption, is made known to all United Nations officials and experts on mission at all levels, especially those in managerial positions, and is fully implemented in a coherent and coordinated manner throughout the United Nations, including funds and programmes, and calls upon all entities in the United Nations to inform and to cooperate fully with the Office of Legal Affairs of the Secretariat in all cases involving allegations that a crime may have been committed by United Nations officials and experts on mission;

7. *Requests* the Secretary-General to ensure greater quality and consistency in investigations by investigative entities of the Organization through the development of harmonized standards of investigation, including verification of allegations and information received;

8. *Expresses its concern* with respect to the low rate of response from States to referred allegations and to requests for information on their provisions addressing the establishment of jurisdiction over crimes, as requested in its resolution 71/134, and in particular expresses its deep concern with regard to the significant number of instances where States to which allegations have been referred have failed to advise the United Nations of any steps taken in response to such referrals, including the failure to acknowledge such referrals;

9. *Strongly urges* States to take all appropriate measures to ensure that crimes by United Nations officials and experts on mission do not go unpunished and that the perpetrators of such crimes are brought to justice, without prejudice to the privileges and immunities of such persons and the United Nations under international law, and in accordance with international human rights standards, including due process;

10. *Strongly urges* all States to consider establishing, to the extent that they have not yet done so, jurisdiction over crimes, particularly those of a serious nature, as known in their existing national criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct as defined in the law of the State establishing jurisdiction also constitutes a crime under the laws of the host State, and, further, urges States and appropriate international organizations to provide technical and other appropriate assistance in developing such legal measures to States requesting such support;

11. *Encourages* all States and the United Nations to cooperate with each other in the exchange of information and in facilitating the conduct of investigations and, as appropriate, the prosecution of United Nations officials and experts on mission who are alleged to have committed crimes of a serious nature, in accordance with their national law and applicable United Nations rules and regulations, fully respecting due process rights, as well as to consider strengthening the capacities of their national authorities to investigate and prosecute such crimes;

12. *Encourages* all States:

(a) To afford each other assistance in connection with criminal investigations or criminal or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials and experts on mission, including assistance in obtaining evidence at their disposal, in accordance with their national law or any treaties or other arrangements on extradition and mutual legal assistance that may exist between them;

(b) In accordance with their national law, to explore ways and means of facilitating the possible use of information and material obtained from the United Nations for purposes of criminal proceedings initiated in their territory for the prosecution of crimes of a serious nature committed by United Nations officials and experts on mission, bearing in mind due process considerations;

(c) In accordance with their national law, to provide effective protection for victims of, witnesses to and others who provide information in relation to crimes of a serious nature alleged to have been committed by United Nations officials and experts on mission and to facilitate access of victims to victim assistance programmes, without prejudice to the rights of the alleged offender, including those relating to due process;

(d) In accordance with their national law, to explore ways and means of responding adequately to requests by host States for support and assistance in order to enhance their capacity to conduct effective investigations in respect of crimes of a serious nature alleged to have been committed by United Nations officials and experts on mission;

13. *Requests* the Secretariat to continue to ensure that requests to Member States seeking personnel to serve as experts on mission make States aware of the expectation that persons who serve in that capacity should meet high standards in their conduct and behaviour and be aware that certain conduct may amount to a crime for which they may be held accountable, and also requests that the Secretariat take all appropriate measures to continue to ensure that all such personnel, as well as United Nations officials, are properly vetted by the States contributing personnel and by the Organization for any prior misconduct while serving with the United Nations;

14. *Urges* the Secretary-General to make Member States contributing personnel to serve as experts on mission aware of the necessity of providing appropriate conduct-related training prior to deployment, and also urges the Secretary-General to continue to take such practical measures as are within his authority to strengthen existing training on United Nations standards of conduct, including through predeployment and in-mission induction training for United Nations officials and experts on mission;

15. *Reiterates* its decision that, bearing in mind its resolutions 62/63 and 63/119, the consideration of the report of the Group of Legal Experts,[9] in particular its legal aspects, taking into account the views of Member States and also noting the inputs by the Secretariat, shall be continued during its seventy-third session in the framework of a working group of the Sixth Committee, and, for that purpose, invites further comments from Member States on that report, including on the question of future action;

16. *Takes note* of the briefings by the Secretariat during the seventieth, seventy-first and seventy-second sessions, and decides to organize another briefing at the seventy-third session with a view to furthering discussion on measures that could be taken to help to ensure the accountability of United Nations officials and experts on mission and prevent future crimes;

17. *Recognizes* the efforts of Member States towards devising concrete proposals to ensure the accountability of United Nations officials and experts on mission, and encourages all Member States to redouble their efforts informally during the intersessional period, with the support of the Secretariat, in particular through the organization of informal briefings;

18. *Requests* the Secretary-General to bring credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made and to request from those States updates, as set out in paragraph 20 below, on the status of their efforts to investigate and, as appropriate, prosecute crimes of a serious nature, as well as the types of appropriate assistance that States may wish to receive from the Secretariat for the purposes of such investigations and prosecutions;

19. *Also requests* the Secretary-General to seek, from all States that have notified the United Nations with respect to investigations or prosecutions of crimes allegedly committed by United Nations officials or experts on mission, updates on the status of their investigations or prosecutions, provided that this would not prejudice national investigations or national proceedings;

20. *Urges* the States referred to in paragraphs 18 and 19 above to provide to the Secretary-General periodic updates on their handling of the allegations, in order to demonstrate that Member States are taking steps to ensure accountability for crimes committed by United Nations officials and experts on mission, in particular by informing the Secretary-General of whether any disciplinary or criminal proceedings have been brought and of the outcome of any such proceedings or the reasons for not initiating them, provided that this would not be contrary to national laws or prejudice national investigations or national proceedings, and requests the Secretary-General to continue and undertake the necessary follow-up with the States concerned, by all appropriate forms of communication, with a view to encouraging those States to respond;

21. *Requests* the United Nations, when its investigations into allegations suggest that crimes of a serious nature may have been committed by United Nations officials or experts on mission, to consider any appropriate measures that may facilitate the possible use of information and material for purposes of criminal proceedings initiated by States, bearing in mind due process considerations;

22. *Encourages* the United Nations, when allegations against United Nations officials or experts on mission are determined by a United Nations administrative investigation to be unfounded, to take appropriate measures, in the interests of the Organization, to restore the credibility and the reputation of such officials and experts on mission;

23. *Urges* the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing activities of the United Nations, with information and material for purposes of criminal proceedings initiated by States;

24. *Recalls* the Secretary-General's bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations,[16] underlines the importance of a culture in which individuals are encouraged and supported by the Organization to report alleged crimes, emphasizes that the United Nations, in accordance with the applicable rules of the Organization, should take no action that would retaliate against or intimidate United Nations

[16] ST/SGB/2017/2/Rev.1.

officials and experts on mission who report allegations concerning crimes of a serious nature committed by United Nations officials and experts on mission, and stresses the need for appropriate safeguards against retaliation;

25. *Stresses* the critical importance of understanding what assistance and support are available for the benefit of victims of criminal conduct perpetrated by United Nations officials and experts on mission, and requests the Secretary-General to consider this and report to the Sixth Committee during the briefing at its seventy-third session;

26. *Takes note with appreciation* of the information provided by Governments in response to its resolutions 62/63, 63/119, 64/110, 65/20, 66/93, 67/88, 68/105, 69/114, 70/114 and 71/134, and urges Governments to continue taking the measures necessary for the implementation of those resolutions, including their provisions addressing the establishment of jurisdiction over crimes, particularly those of a serious nature, as known in their existing national criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, as well as cooperation among States, and to provide specific details thereon, in particular with respect to paragraph 10 above, in the information provided to the Secretary-General;

27. *Recalls its request* in resolution 71/134 for Governments to provide specific details on the measures taken, as necessary, for the implementation of its resolutions 62/63, 63/119, 64/110, 65/20, 66/93, 67/88, 68/105, 69/114 and 70/114, and notes that, in response to those resolutions, 121 submissions were received from 57 Member States between 6 December 2007 and 1 June 2017;

28. *Requests* the Secretary-General to prepare and keep updated a report containing a compilation and a summary table of national provisions, based on information received from Member States since 2007, regarding the establishment of jurisdiction over their nationals whenever they serve as United Nations officials or experts on mission, in relation to crimes as known in their existing national criminal laws, particularly those of a serious nature, and in this regard takes note of the questionnaire distributed by the Secretariat to all Member States to assist in this process;

29. *Also requests* the Secretary-General to submit and keep updated a report setting out all relevant existing United Nations policies and procedures of the United Nations system regarding the allegations referred to in paragraphs 18 and 19 above, and requests the Secretary-General to develop recommendations to help to ensure that such policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations revealing that a crime may have been committed by United Nations officials and experts on mission are coherent, systematic and coordinated throughout the United Nations system;

30. *Reiterates its request* to the Secretary-General to report to the General Assembly at its seventy-third session on the implementation of the present resolution, in particular with respect to paragraphs 10, 12, 13, 15, 18 and 20 above, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat;

31. *Requests* the Secretary-General to continue to improve reporting methods and expand the scope of reporting, by providing information on the allegations referred to in paragraphs 18 and 19 above, as well as information received pursuant to paragraph 20 since 1 July 2007, limited to the United Nations entity involved, the year of referral, the dates and methods of follow-up requests from the Secretary-General, information about the type of crime and summary of allegations, status of investigations, prosecutorial and disciplinary actions taken, including with respect

to individuals concerned who have left the duty mission or the service of the United Nations, any requests for waivers of immunity, as applicable, and information on jurisdictional, evidentiary or other obstacles to prosecution, while protecting the privacy of the victims as well as respecting the privacy and rights of those subject to the allegations;

32. *Decides* to include in the provisional agenda of its seventy-third session the item entitled "Criminal accountability of United Nations officials and experts on mission".

67th plenary meeting
7 December 2017

United Nations A/RES/72/113

General Assembly

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Seventy-second session
Agenda item 79

Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Sixth Committee (A/72/458)*]

72/113. Report of the United Nations Commission on International Trade Law on the work of its fiftieth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, to the elimination of discrimination in international trade and, thereby, to peace, stability and the well-being of all peoples,

Having considered the report of the Commission,[1]

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency,

[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17* (A/72/17).

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consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law;[1]

2. *Commends* the Commission for the finalization and adoption of the Model Law on Electronic Transferable Records;[2]

3. *Also commends* the Commission for the finalization and adoption of the Guide to Enactment of the Model Law on Secured Transactions, which provides useful background and explanatory information for States in revising or adopting legislation on the basis of the Model Law, which is aimed at establishing an efficient secured transactions regime that would increase access to affordable secured credit and promote sustainable development through the facilitation of international trade and commercial activities, and requests the Secretary-General to publish the Guide to Enactment of the Model Law, including electronically, in the six official languages of the United Nations and to disseminate it broadly to Governments and other interested bodies;[3]

4. *Congratulates* the Commission on its fiftieth anniversary, and notes with satisfaction that the Congress to commemorate the anniversary, held in Vienna from 4 to 6 July 2017 during the fiftieth session of the Commission, entitled "Modernizing International Trade Law to Support Innovation and Sustainable Development", acknowledged the centrality of international cooperation and coordination to the achievements of the Commission, elicited innovative ideas for modernizing international trade law in a sustainable manner that could not only raise awareness of the work of the Commission and its potential to support cross-border commerce but also contribute to the 2030 Agenda for Sustainable Development,[4] and emphasized the leading role played by the Commission in providing an inclusive, transparent and multilateral forum in which to address the legal challenges facing international trade, and requests the Secretary-General to ensure the publication of the proceedings of the Congress to the extent permitted by available resources;

5. *Notes with satisfaction* the contributions from the Fund for International Development of the Organization of the Petroleum Exporting Countries and from the European Commission, which allow the operation of the repository of published information under the Rules on Transparency in Treaty-based Investor-State Arbitration[5] and that the Commission reiterated its strong and unanimous opinion that the secretariat of the Commission should continue to operate the transparency repository, which constitutes a central feature both of the Rules on Transparency and of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (Mauritius Convention on Transparency);[6]

6. *Requests* the Secretary-General to continue to operate, through the secretariat of the Commission, the repository of published information in accordance with article 8 of the Rules on Transparency, as a pilot project until the end of 2020, to be funded entirely by voluntary contributions, and to keep the

[2] Ibid., chap. III, sect. A.
[3] Ibid., chap. IV, sect. A.
[4] Ibid., chap. XV, sect. C.
[5] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), annex I.
[6] Resolution 69/116, annex.

General Assembly informed of developments regarding the funding and budgetary situation of the transparency repository based on its pilot operation;

7. *Takes note with interest* of the decisions taken by the Commission as regards its future work and the progress made by the Commission in its work in the areas of micro, small and medium-sized enterprises, dispute settlement, electronic commerce, insolvency law and security interests,[7] and encourages the Commission to continue to move forward efficiently to achieve tangible work outcomes in those areas;

8. *Takes note* of the decision by the Commission to entrust Working Group III with a broad mandate to work on the possible reform of investor-State dispute settlement, whereby it would: first, identify and consider concerns regarding investor-State dispute settlement; second, consider whether reform was desirable in the light of any identified concerns; and, third, if the Working Group were to conclude that reform was desirable, develop relevant solutions to be recommended to the Commission with a view to allowing each State the choice of whether and to what extent it wished to adopt the relevant solution(s);[8]

9. *Also takes note* of the decision by the Commission to reaffirm the mandate given to Working Group IV at its forty-ninth session to take up work on the topics of identity management and trust services, as well as cloud computing, and to revisit that mandate at its following session, in particular if the need arose to prioritize between the topics or to give a more specific mandate to the Working Group as regards its work in the area of identity management and trust services;[9]

10. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional organizations to coordinate their activities with those of the Commission to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

11. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical cooperation and assistance in the field of international trade law reform and development, and in this connection:

(a) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical cooperation and assistance programme, and in that respect encourages the Secretary-General to seek partnerships with State and non-State actors to increase awareness about the work of the Commission and facilitate the effective implementation and legal uptake resulting from its work;

(b) Expresses its appreciation to the Commission for carrying out technical cooperation and assistance activities and for providing [illegible] legislative drafting in the field of international trade law, and draws the attention of the Secretary-General to the limited resources that are made available in this field;

(c) Expresses its appreciation to the Governments whose contributions enabled the technical cooperation and assistance activities to take place, and calls to Governments, the relevant bodies of the United Nations system, [illegible]

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[7] *Official Records of the General Assembly, [illegible]*, chaps. III–VII.

[8] Ibid., para. 264.

[9] Ibid., para. 127.

institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, for the financing of special projects and otherwise to assist the secretariat of the Commission in carrying out technical cooperation and assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate with the Commission and coordinate their activities with those of the Commission in the light of the relevance and importance of the work and programmes of the Commission for the promotion of the rule of law at the national and international levels and for the implementation of the international development agenda, including the achievement of the 2030 Agenda for Sustainable Development;[10]

(e) Recalls its resolutions stressing the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, and welcomes the efforts of the Secretary-General to ensure greater coordination and coherence among United Nations entities and with donors and recipients;

12. *Recalls* the importance of adherence to the rules of procedure and methods of work of the Commission, including transparent and inclusive deliberations, taking into account the summary of conclusions as reproduced in annex III to the report on the work of its forty-third session,[11] requests the Secretariat to issue, prior to meetings of the Commission and of its working groups, a reminder of those rules of procedure and methods of work with a view to ensuring the high quality of the work of the Commission and encouraging the assessment of its instruments, and recalls in this regard its previous resolutions related to this matter, and notes in that regard the discussions of the Commission during its fiftieth session on its methods of work, including the request by Member States that the Secretariat seek and take into account the views of States on the draft provisional agenda as early as possible before the next session of the Commission,[12] as well as achieve the right balance between written and oral methods of communication of necessary information to the Commission;[13]

13. *Welcomes* the activities of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific, in the Republic of Korea, towards providing capacity-building and technical assistance services to States in the Asia-Pacific region, including to international and regional organizations, expresses its appreciation to the Republic of Korea and China, whose contributions enabled continuing operation of the Regional Centre, notes that the continuation of the regional presence relies entirely on extrabudgetary resources, including but not limited to voluntary contributions from States, welcomes expressions of interest from other States in hosting regional centres of the Commission, and requests the Secretary-General to keep the General Assembly informed of developments regarding the establishment of regional centres, in particular their funding and budgetary situation;

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[10] Resolution 70/1.

[11] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17).

[12] Ibid., *Seventy-second Session, Supplement No. 17* (A/72/17), para. 479.

[13] Ibid., para. 480.

14. *Welcomes* the offer of the Government of Bahrain, approved by the Commission, to establish, subject to the relevant rules and regulations of the United Nations and the internal approval process of the Office of Legal Affairs of the Secretariat, a regional centre for the Middle East and North Africa in Bahrain as an important step for the Commission in reaching out to increase familiarity with texts of the Commission and to provide technical assistance to developing countries in the region, it being understood that the establishment of a regional presence would have to rely entirely on extrabudgetary resources, including but not limited to voluntary contributions from States,[14] and expresses its appreciation to the Government of Bahrain for its generous contribution to the project, and requests the Commission, in its annual report, to keep the General Assembly informed of developments regarding the project, in particular its funding and budgetary situation;

15. *Welcomes* the offer of the Government of Cameroon, approved by the Commission, to establish, subject to the relevant rules and regulations of the United Nations and the internal approval process of the Office of Legal Affairs, a Regional Centre for Africa in Cameroon as an important step for the Commission in reaching out to increase familiarity with Commission texts and to provide technical assistance to developing countries in the region, it being understood that the establishment of a regional presence would have to rely entirely on extrabudgetary resources, including but not limited to voluntary contributions from States, expresses its appreciation to the Government of Cameroon for its generous contribution to the project, and requests the Commission, in its annual report, to keep the General Assembly informed of developments regarding the project, in particular its funding and budgetary situation;

16. *Appeals* to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the Trust Fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, in order to enable renewal of the provision of that assistance and to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in those countries to put in place a regulatory and enabling environment for business, trade and investment;

17. *Decides*, in order to ensure full participation of all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the seventy-second session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

18. *Endorses* the conviction of the Commission that the implementation and effective use of modern private law standards in international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger and that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General;

19. *Notes* the statement and the views of experts on the role of the Commission in promoting the rule of law presented during the fiftieth session of the

[14] Ibid., paras. 295 and 296.

Commission on ways and means of further disseminating international law to strengthen the rule of law from the perspective of the areas of work of the Commission and the comments transmitted by the Commission pursuant to paragraph 22 of General Assembly resolution 71/148 of 13 December 2016, highlighting its role in promoting the rule of law, in particular through wide dissemination of international commercial law, including across the United Nations system;[15]

20. *Notes with satisfaction* that, in paragraph 8 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, adopted by consensus as resolution 67/1 of 24 September 2012, Member States recognized the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship and, in this regard, commended the work of the Commission in modernizing and harmonizing international trade law and that, in paragraph 7 of the declaration, Member States expressed their conviction that the rule of law and development were strongly interrelated and mutually reinforcing;

21. *Also notes with satisfaction* that, in paragraph 89 of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, adopted by the General Assembly by consensus as resolution 69/313 of 27 July 2015, States endorsed the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field;

22. *Reiterates its request* to the Secretary-General, in conformity with resolutions of the General Assembly on documentation-related matters,[16] which, in particular, emphasize that any invitation to limit, where appropriate, the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and functions of the Commission in the progressive development and codification of international trade law when implementing page limits with respect to the documentation of the Commission;[17]

23. *Requests* the Secretary-General to continue the publication of Commission standards and the provision of summary records of the meetings of the Commission, including committees of the whole established by the Commission for the duration of its annual session, relating to the formulation of normative texts, and takes note of the decision of the Commission to continue the trial use of digital recordings, in parallel with summary records where applicable, with a view to assessing the experience of using digital recordings and, on the basis of that assessment, taking a decision at a future session regarding the possible replacement of summary records by digital recordings;[18]

24. *Recalls* paragraph 48 of its resolution 66/246 of 24 December 2011 regarding the rotation scheme of meetings between Vienna and New York;

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[15] Ibid., chap. XVI.

[16] Resolutions 52/214, sect. B, 57/283 B, sect. III, and 58/250, sect. III.

[17] Resolutions 59/39, para. 9, and 65/21, para. 18; see also *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 124–128.

[18] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 276.

25. *Stresses* the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to conventions, enacting model laws and encouraging the use of other relevant texts;

26. *Notes* the decision of the Commission to commend the use of the Uniform Rules for Forfaiting of the International Chamber of Commerce, as appropriate, in forfaiting transactions, to facilitate international receivables financing and thus international trade more generally;

27. *Notes with appreciation* the work of the Secretariat on the system for the collection and dissemination of case law on Commission texts in the six official languages of the United Nations (the CLOUT system), notes the resource-intensive nature of the system, acknowledges the need for further resources to sustain and expand it, and in this regard welcomes efforts by the Secretariat towards building partnerships with interested institutions, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to assist the secretariat of the Commission in raising awareness as to the availability and usefulness of the CLOUT system in professional, academic and judiciary circles and in securing the funding required for the coordination and expansion of the system and the establishment, within the secretariat of the Commission, of a pillar focused on the promotion of ways and means of interpreting Commission texts in a uniform manner;

28. *Welcomes* the continued work of the Secretariat on digests of case law related to Commission texts, including their wide dissemination, as well as the continuing increase in the number of abstracts available through the CLOUT system, in view of the role of the digests and the CLOUT system as important tools for the promotion of the uniform interpretation of international trade law, in particular by building local capacity of judges, arbitrators and other legal practitioners to interpret those standards in the light of their international character and the need to promote uniformity in their application and the observance of good faith in international trade;

29. *Recalls* its resolutions affirming the importance of high-quality, user-friendly and cost-effective United Nations websites and the need for their multilingual development, maintenance and enrichment,[19] commends the fact that the website of the Commission is published in the six official languages of the United Nations, and welcomes the continuous efforts of the Commission to maintain and improve its website, including by developing new social media features, in accordance with the applicable guidelines;[20]

30. *Expresses its appreciation* to Mr. Renaud Sorieul, Secretary of the Commission since 2008, who will retire on 31 October 2017, for his outstanding and devoted contribution to the process of the unification and harmonization of international trade law in general and to the Commission in particular.

67th plenary meeting
7 December 2017

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[19] Resolutions 52/214, sect. C, para. 3; 55/222, sect. III, para. 12; 56/64 B, sect. X; 57/130 B, sect. X; 58/101 B, sect. V, paras. 61–76; 59/126 B, sect. V, paras. 76–95; 60/109 B, sect. IV, paras. 66–80; and 61/121 B, sect. IV, paras. 65–77.

[20] Resolution 63/120, para. 20.

United Nations A/RES/72/114

General Assembly

Distr.: General
18 December 2017

Seventy-second session
Agenda item 79

Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Sixth Committee (A/72/458)*]

72/114. Model Law on Electronic Transferable Records of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recalling also its resolution 60/21 of 23 November 2005, by which it adopted the United Nations Convention on the Use of Electronic Communications in International Contracts and called upon all Governments to consider becoming party to the Convention, and its resolutions 51/162 of 16 December 1996 and 56/80 of 12 December 2001, in which it recommended that all States give favourable consideration to the Model Law on Electronic Commerce and the Model Law on Electronic Signatures of the Commission, respectively,

Noting that, while the Convention, the Model Law on Electronic Commerce and the Model Law on Electronic Signatures are of significant assistance to States in enabling and facilitating electronic commerce in international trade, they do not fully address issues arising from the use of electronic transferable records in international trade,

Considering that uncertainties as to the legal value of electronic transferable records constitute an obstacle to international trade,

Convinced that legal certainty and commercial predictability in electronic commerce will be enhanced by the harmonization of certain rules on the legal recognition of electronic transferable records on a technologically neutral basis and according to the functional equivalence approach,

17-22151 (E) 201217

Please recycle

Recalling that, at its forty-fourth session, in 2011, the Commission mandated its Working Group IV (Electronic Commerce) to undertake work on electronic transferable records,[1]

Noting that the Working Group devoted 10 sessions, from 2011 to 2016, to that work, and that the Commission considered at its fiftieth session, in 2017, a draft model law on electronic transferable records prepared by the Working Group, together with comments on the draft received from Governments and international organizations invited to sessions of the Working Group,[2]

Believing that a model law on electronic transferable records will constitute a useful addition to existing Commission texts in the area of electronic commerce by significantly assisting States in enhancing their legislation on electronic commerce, in particular as it relates to the use of electronic transferable records, or in formulating such legislation where none exists,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for completing and adopting the Model Law on Electronic Transferable Records;[3]

2. *Requests* the Secretary-General to publish the Model Law together with an explanatory note, including electronically, in the six official languages of the United Nations, and to disseminate it broadly to Governments and other interested bodies;

3. *Recommends* that all States give favourable consideration to the Model Law when revising or adopting legislation relevant to electronic commerce, and invites States that have used the Model Law to advise the Commission accordingly;

4. *Also recommends* that States continue to consider becoming parties to the United Nations Convention on the Use of Electronic Communications in International Contracts[4] and to give favourable consideration to the use of the Model Law on Electronic Commerce[5] and the Model Law on Electronic Signatures[6] when revising or adopting legislation on electronic commerce;

5. *Appeals* to the relevant bodies of the United Nations system and other relevant international and regional organizations to coordinate their legal activities in the area of electronic commerce, including paperless trade facilitation, with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of legislation on electronic commerce.

67th plenary meeting
7 December 2017

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[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17* (A/66/17), para. 238.

[2] Ibid., *Seventy-second Session, Supplement No. 17* (A/72/17), chap. III.

[3] Ibid., annex I.

[4] Resolution 60/21, annex.

[5] Resolution 51/162, annex.

[6] Resolution 56/80, annex.

United Nations A/RES/72/115

General Assembly

Distr.: General
18 December 2017

Seventy-second session
Agenda item 80

Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Sixth Committee (A/72/459)*]

72/115. United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling its resolution 2099 (XX) of 20 December 1965, in which the General Assembly established the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to contribute towards a better knowledge of international law as a means of strengthening international peace and security and promoting friendly relations and cooperation among States,

Reaffirming that the Programme of Assistance is a core activity of the United Nations and that it has provided the foundation for the efforts of the United Nations to promote a better knowledge of international law for more than half a century,

Recognizing the major contribution of the Programme of Assistance to the teaching and dissemination of international law for the benefit of lawyers in all countries, legal systems and regions of the world for more than half a century and the importance of ensuring the successful continuation of the Programme for the benefit of present and future generations of lawyers,

Emphasizing the important contribution of the Programme of Assistance, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law, to the furtherance of United Nations rule of law programmes and activities,

Reaffirming that the increasing demand for international law training and dissemination activities creates new challenges for the Programme of Assistance,

Recognizing the importance of the Programme of Assistance effectively reaching its beneficiaries, including with regard to languages, while bearing in mind limitations on available resources,

17-22153 (E) 201217

Please recycle

Taking note with appreciation of the report of the Secretary-General on the implementation of the Programme of Assistance[1] and the views of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which are contained in the report,

Noting with satisfaction that resources have been provided under the programme budget for the organization of the United Nations Regional Courses in International Law on an annual basis and the further development of the United Nations Audiovisual Library of International Law,

Welcoming the organization, for the first time in the history of the Programme of Assistance, of all three of the United Nations Regional Courses in International Law for Africa, for Asia-Pacific and for Latin America and the Caribbean in two consecutive years,

Noting with regret that, owing to insufficient voluntary contributions to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, in 2017 an abbreviated award was made, consisting of a placement at the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, without the traditional subsequent six-month research/study phase at an institution of higher learning,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Convinced that States, international and regional organizations, universities and institutions should be encouraged to give further support to the Programme of Assistance and to increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming that in the conduct of the Programme of Assistance it would be desirable to use as far as possible the resources and facilities made available by Member States, international and regional organizations, universities, institutions and others,

Reaffirming also the hope that, in appointing highly qualified lecturers for the seminars to be held within the framework of the fellowship programmes in international law, account would be taken of the need to secure the representation of major legal systems and balance among various geographical regions,

1. *Reiterates its approval* of the guidelines and recommendations contained in section III of the reports of the Secretary-General,[2] in particular those designed to strengthen and revitalize the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in response to the increasing demand for international law training and dissemination activities;

2. *Authorizes* the Secretary-General to carry out the activities specified in his report[1] in 2018 and 2019, including the following activities to be financed from provisions in the regular budget:

(a) The International Law Fellowship Programme, with a minimum of 20 fellowships;

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[1] A/72/517.

[2] A/70/423, A/71/432 and A/72/517.

(b) The United Nations Regional Courses in International Law for Africa, for Asia-Pacific and for Latin America and the Caribbean, with a minimum of 20 fellowships for each course;

(c) The United Nations Audiovisual Library of International Law, including its continuation and further development;

(d) The dissemination of legal publications and lectures of the Audiovisual Library to developing countries to the extent that there are sufficient resources;

3. *Also authorizes* the Secretary-General to further expand the activities referred to in paragraph 2 above, to be financed from voluntary contributions received pursuant to paragraphs 15, 24 and 25 below;

4. *Commends* the Codification Division of the Office of Legal Affairs of the Secretariat for the cost-saving measures undertaken with regard to the International Law Fellowship Programme and the United Nations Regional Courses in International Law to increase the number of fellowships for the training courses financed from provisions in the regular budget, taking into account the number of applications for these courses;

5. *Authorizes* the Secretary-General to award additional fellowships for the training courses from available resources under the programme budget for the Programme of Assistance and from voluntary contributions received pursuant to paragraph 25 below;

6. *Requests* the Secretary-General to consider admitting, for participation in the training courses, self-funded candidates present in the host country or from countries willing to bear the entire cost of their participation;

7. *Authorizes* the Secretary-General to award a minimum of one scholarship in 2018 and one in 2019 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea;

8. *Requests* the Secretary-General to include in the regular budget, for consideration by the General Assembly, the necessary funding for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea for the biennium 2018–2019, should voluntary contributions be insufficient for granting at least one fellowship a year;

9. *Also requests* the Secretary-General to continue to include resources under the proposed programme budget for the biennium 2020–2021 for the International Law Fellowship Programme, the United Nations Regional Courses in International Law for Africa, for Asia-Pacific and for Latin America and the Caribbean each year and for the continuation and further development of the United Nations Audiovisual Library of International Law;

10. *Expresses its appreciation* to the Secretary-General for the activities conducted under the Programme of Assistance and, in particular, for the efforts to strengthen, expand and enhance the international law training and dissemination activities within the framework of the Programme in 2017;

11. *Commends* the Secretary-General for the continuation and further development of the United Nations Audiovisual Library of International Law as a major contribution to the teaching and dissemination of international law around the world;

12. *Recognizes* the importance of the United Nations legal publications prepared by the Office of Legal Affairs, and once again requests the Secretary-General

to issue the publications referred to in his previous report[3] in various formats, including hard copy publications, which are essential for developing countries;

13. *Expresses its appreciation* for the efforts undertaken by the Codification Division to bring up to date the United Nations legal publications, which greatly enhanced the timely issuance thereof and made possible the preparation of legal training materials, and encourages the Division to continue to explore ways of sustaining such efforts into the next biennium, subject to the availability of resources;

14. *Notes with satisfaction* the issuance of the ninth edition of *The Work of the International Law Commission* and of the *United Nations Juridical Yearbook 2013*;

15. *Expresses its appreciation* for the issuance of the English-language edition of the *International Law Handbook* as a valuable resource for international law education on a broad range of core subjects of international law in its training courses and for academic institutions in developing countries to promote international law education in those countries, and requests Member States to provide the voluntary contributions necessary to ensure the completion of this educational resource in French and, subject to the availability of funds, in the other official languages of the United Nations, as well as its dissemination in developing countries;

16. *Requests* the Codification Division to continue to maintain and expand its websites listed in the annex to the report of the Secretary-General as an invaluable tool for the dissemination of international law materials as well as for advanced legal research;

17. *Requests* that interns and research assistants be enlisted for the preparation of materials for the United Nations Audiovisual Library of International Law as well as the International Law Handbook;

18. *Welcomes* the efforts of the Codification Division to revitalize and conduct the United Nations Regional Courses in International Law as an important training activity;

19. *Expresses its appreciation* to Ethiopia, Chile and Thailand for hosting the United Nations Regional Courses in International Law for Africa, for Latin America and the Caribbean and for Asia-Pacific in 2017;

20. *Expresses its appreciation* to the African Union for the valuable contribution it continues to make to the United Nations Regional Course in International Law for Africa;

21. *Once again encourages* the Codification Division to cooperate with the African Institute of International Law, dedicated to offering higher learning and research in international law needed for the development of Africa, in the implementation of the relevant activities under the Programme of Assistance;

22. *Expresses its appreciation* to the Hague Academy of International Law for the valuable contribution it continues to make to the Programme of Assistance, which has enabled candidates under the International Law Fellowship Programme to attend and participate in the Fellowship Programme in conjunction with courses at the Academy;

23. *Notes with appreciation* the contributions of the Hague Academy to the teaching, study, dissemination and wider appreciation of international law, and calls

[3] A/70/423, para. 45.

upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

24. *Requests* the Secretary-General to continue to publicize the Programme of Assistance and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

25. *Reiterates its request* to Member States and interested organizations, institutions and individuals to make voluntary contributions for the United Nations Audiovisual Library of International Law and for the United Nations Regional Courses in International Law organized by the Codification Division as an important complement to the International Law Fellowship Programme;

26. *Expresses its appreciation* to those Member States that have made voluntary contributions to support the Programme of Assistance;

27. *Requests* the Secretary-General to report to the General Assembly at its seventy-third session on the implementation of the Programme of Assistance in 2018 and, following consultations with the Advisory Committee on the Programme of Assistance, to submit recommendations regarding the Programme in subsequent years;

28. *Decides* to include in the provisional agenda of its seventy-third session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

67th plenary meeting
7 December 2017

United Nations A/RES/72/116

General Assembly

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Seventy-second session
Agenda item 81

Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Sixth Committee (A/72/460)*]

72/116. Report of the International Law Commission on the work of its sixty-ninth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its sixty-ninth session,[1]

Emphasizing the importance of furthering the progressive development and codification of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development and codification of international law,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Recalling also the role of Member States in submitting proposals for new topics for the consideration of the International Law Commission, and noting in this regard the recommendation of the Commission that such proposals be accompanied by a statement of reasons,

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[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 10* (A/72/10).

[2] Resolution 2625 (XXV), annex.

17-22154 (E) 201217

Please recycle

Reaffirming the importance for the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,

Recognizing the importance of the work of the special rapporteurs of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations trust fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the *Yearbook of the International Law Commission* and of eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as encouraged in General Assembly resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the Assembly,

1. *Takes note* of the report of the International Law Commission on the work of its sixty-ninth session;[1]

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its sixty-ninth session, and notes in particular the completion of the first reading of the draft articles on crimes against humanity with the adoption of the entire set of draft articles on the topic;[1]

3. *Recommends* that the International Law Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;

4. *Draws the attention* of Governments to the importance for the International Law Commission of having their views by 15 January 2018 on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding:

(a) Protection of the atmosphere;

(b) Provisional application of treaties;

(c) Peremptory norms of general international law (*jus cogens*);

(d) Immunity of State officials from foreign criminal jurisdiction;

(e) Succession of States in respect of State responsibility;

5. *Also draws the attention* of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2018 on the draft conclusions on the topics "Identification of customary

[1] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 10* (A/72/10), chap. IV, sect. C.

international law" and "Subsequent agreements and subsequent practice in relation to the interpretation of treaties", adopted on first reading by the Commission at its sixty-eighth session,[4]

6. *Takes note* of the decision of the International Law Commission to include the topic "Succession of States in respect of State responsibility" in its programme of work,[5] and encourages the Commission to continue the examination of the topics that are in its long-term programme of work;[6]

7. *Also takes note* of paragraphs 266 and 267 of the report of the International Law Commission and notes, in particular, the inclusion of the topics "General principles of law" and "Evidence before international courts and tribunals" in the long-term programme of work of the Commission,[7] and in this regard encourages the Commission to take into consideration the comments and observations expressed by Governments during the debate in the Sixth Committee;

8. *Takes note with appreciation* of the recommendation of the International Law Commission, contained in paragraphs 279 to 281 of its report, regarding the commemoration of its seventieth anniversary, and encourages States to make voluntary contributions to the trust fund for the Office of Legal Affairs to support the promotion of international law in order to facilitate the commemoration of the seventieth anniversary of the Commission;

9. *Takes note* of paragraph 282 of the report of the International Law Commission, and requests the Secretary-General to continue his efforts to identify concrete options for support for the work of special rapporteurs, additional to those provided under General Assembly resolution 56/272 of 27 March 2002;

10. *Welcomes* the efforts of the International Law Commission to improve its methods of work,[8] and encourages the Commission to continue this practice;

11. *Invites* the International Law Commission to continue to take measures to enhance its efficiency and productivity and to consider making proposals to Member States to that end;

12. *Encourages* the International Law Commission to continue to take cost-saving measures at its future sessions, without prejudice to the efficiency and effectiveness of its work;

13. *Recalls* that the seat of the International Law Commission is at the United Nations Office at Geneva;

14. *Takes note* of paragraph 295 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at United Nations Headquarters in New York from 30 April to 1 June 2018, which will coincide with the commemoration of the seventieth anniversary of the Commission, and at the United Nations Office at Geneva from 2 July to 10 August 2018;

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[4] Ibid., *Seventy-first Session, Supplement No. 10* (A/71/10), paras. 60 and 73.

[5] Ibid., *Seventy-second Session, Supplement No. 10* (A/72/10), para. 263.

[6] The following topics are currently in the long-term programme of work of the International Law Commission: "Ownership and protection of wrecks beyond the limits of national maritime jurisdiction", "Jurisdictional immunity of international organizations", "Protection of personal data in transborder flow of information", "Extraterritorial jurisdiction", "The fair and equitable treatment standard in international investment law", "Settlement of international disputes to which international organizations are parties", "General principles of law" and "Evidence before international courts and tribunals".

[7] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 10* (A/72/10), para. 267.

[8] Ibid., *Sixty-sixth Session, Supplement No. 10* (A/66/10), paras. 370–388.

15. *Stresses* the desirability of further enhancing the dialogue between the International Law Commission and the Sixth Committee, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission throughout the year;

16. *Encourages* delegations, during the debate on the report of the International Law Commission, to continue to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

17. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

18. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

19. *Takes note* of paragraphs 296 to 301 of the report of the International Law Commission with regard to cooperation and interaction with other bodies, and encourages the Commission to continue the implementation of articles 16 (e), 25 and 26 of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

20. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

21. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memorandums and studies on topics on the agenda of the Commission;

22. *Also reaffirms* its previous decisions concerning the documentation and summary records of the International Law Commission;[9]

23. *Takes note* of paragraph 284 of the report of the International Law Commission, recalls the paramount importance of multilingualism as set forth in General Assembly resolution 69/324 of 11 September 2015 on multilingualism, underlines the importance of having the documents of the Commission published in due time in the six official languages of the United Nations, and to this end requests special rapporteurs to submit their reports within the time limits specified by the Secretariat;

24. *Stresses* the need to expedite the preparation of the summary records of the International Law Commission, and welcomes the continuation of the measures taken to streamline the processing of summary records during the sixty-fifth session of the Commission,[10] which have led to a more rational use of resources, and

[9] See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly. See also *Yearbook of the International Law Commission 1982*, vol. II (Part Two), paras. 267–269 and 271, as well as all subsequent annual reports of the International Law Commission.

[10] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 10* (A/68/10), para. 183.

expresses its satisfaction that the summary records of the Commission, constituting *travaux préparatoires* in the progressive development and codification of international law, will not be subject to arbitrary length restrictions;

25. *Welcomes* the institutionalization of the practice of the Secretariat to include on the website of the International Law Commission the provisional summary records in English and French relating to the work of the Commission;

26. *Also welcomes* the efforts of the Secretariat in seeking to ensure timely and efficient processing of the documents of the International Law Commission and the institutionalization of the experimental measures taken during the sixty-eighth session of the Commission to streamline the editing of those documents;

27. *Takes note* of paragraph 285 of the report of the International Law Commission, underlines the importance of the publications of the Codification Division to the work of the Commission, welcomes in particular the issuance of the ninth edition of *The Work of the International Law Commission* in English, and reiterates its request that the Secretary-General continue to publish *The Work of the International Law Commission* in all six official languages at the beginning of each quinquennium, the *Reports of International Arbitral Awards* in English or French and the *Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice* in all six official languages every five years;

28. *Takes note* of paragraph 290 of the report of the International Law Commission, stresses the unique value of the *Yearbook of the International Law Commission*, and requests the Secretary-General to ensure its timely publication in all official languages;

29. *Expresses its appreciation* to Governments that have made voluntary contributions to the trust fund on the backlog relating to the *Yearbook of the International Law Commission*, and encourages further contributions to the trust fund;

30. *Takes note* of paragraph 291 of the report of the International Law Commission, expresses its satisfaction with the remarkable progress achieved in the past few years in reducing the backlog of the *Yearbook of the International Law Commission* in all six languages, welcomes the efforts made by the Division of Conference Management of the United Nations Office at Geneva, especially its Editing Section, in effectively implementing relevant resolutions of the General Assembly calling for the reduction of the backlog, encourages that Division to provide continuous necessary support to the Editing Section in advancing the *Yearbook of the International Law Commission*, and requests that updates on progress made in this respect be provided to the Commission on a regular basis;

31. *Welcomes* the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission;

32. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants representing the principal legal systems of the world, including in particular those from developing countries, will be given the opportunity to attend the Seminar, as well as delegates to the Sixth Committee, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations trust fund for the International Law Seminar;

33. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue to consider ways to improve the structure and content of the Seminar;

34. *Underlines* the importance of the records and topical summary of the debate in the Sixth Committee for the deliberations of the International Law

Commission, and in this regard requests the Secretary-General to forward to the Commission, for its attention, the records of the debate on the report of the Commission at the seventy-second session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

35. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

36. *Also requests* the Secretariat to make the complete report of the International Law Commission available as soon as possible after the conclusion of the session of the Commission for the consideration of Member States with due anticipation and no later than the prescribed time limit for reports in the General Assembly;

37. *Encourages* the International Law Commission to continue to consider ways in which specific issues on which the views of Governments would be of particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

38. *Recommends* that the debate on the report of the International Law Commission at the seventy-third session of the General Assembly commence on 22 October 2018.

67th plenary meeting
7 December 2017

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General Assembly

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18 December 2017

Seventy-second session
Agenda item 82

Resolution adopted by the General Assembly on 7 December 2017

[*on the report of the Sixth Committee (A/72/461)*]

72/117. Expulsion of aliens

The General Assembly,

Recalling its resolution 69/119 of 10 December 2014,

Having considered chapter IV of the report of the International Law Commission on the work of its sixty-sixth session,[1] which contains the draft articles on the expulsion of aliens,[2]

Noting that the International Law Commission decided to recommend to the General Assembly (a) to take note of the draft articles on the expulsion of aliens in a resolution, to annex the articles to the resolution, and to encourage their widest possible dissemination; and (b) to consider, at a later stage, the elaboration of a convention on the basis of the draft articles,[3]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of the expulsion of aliens is of major importance in the relations of States,

Taking note of the comments of Governments and the discussion in the Sixth Committee at the sixty-ninth session of the General Assembly on the subject,[4]

1. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

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[1] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 10* (A/69/10).
[2] Ibid., para. 44.
[3] Ibid., para. 42.
[4] See A/C.6/69/SR.19, A/C.6/69/SR.20, A/C.6/69/SR.21, A/C.6/69/SR.22, A/C.6/69/SR.24 and A/C.6/69/SR.27.

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2. *Takes note* of the articles on the expulsion of aliens presented by the International Law Commission,[2] and acknowledges the comments expressed by Governments in the Sixth Committee at the seventy-second session of the General Assembly on the subject;[3]

3. *Decides* to include in the provisional agenda of its seventy-fifth session the item entitled "Expulsion of aliens", with a view to examining, inter alia, the question of the form that might be given to the articles or any other appropriate action.

67th plenary meeting
7 December 2017

[3] See A/C.6/72/SR.14 and A/C.6/72/SR.15.